AN ABRIDGEMENT OF THE LAWS

In Force and Use in

Her Majesty's Plantations;

(Viz.) of

VIRGINIA,	NEW-ENGLAND,
JAMAICA,	NEW-YORK,
BARBADOES,	CAROLINA, &c.
MARYLAND,	

Digested under proper Heads in the Method of Mr. *Wingate*, and Mr. *Washington's* Abridgements.

LONDON,
Printed for *John Nicholson* at the *King's-Arms* in *Little Britain*, *R. Parker*, and *R. Smith*, under the *Royal-Exchange*, and *Benj. Tooke* at the *Middle-Temple-Gate* in *Fleetstreet*, 1704.

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THE PREFACE.

MOST Gentlemen trading to, or concern'd in Her Majesty's Plantations, having frequent Occasion to consult the various Laws of each Place, do constantly meet with great Difficulty in procuring them; some being so scarce as hardly to be come at, and others very bulky and dear. Hereupon 'twas thought necessary to get them all together, tho' at the Expence of about Five Pounds, and for the common Advantage to make an Abridgement of them; following the same Method which was made use of in the Continuation of Mr. Washington's *Abridgement, and which Mr.* Wingate *had formerly used.*

To the Performance of which the Publishers were encouraged by several Gentlemen concerned in those Countries, judging it very useful for those that liv'd there, or had any Concern therein, as well as other Persons who would be willing to compare the Laws and

The PREFACE.

Constitutions of each Country, or Province, one with another.

This Work having been a Considerable Time in preparing and perfecting, it gave opportunity of procuring from those Parts several Laws in Manuscript, and some very lately made, which are added in the Appendix.

The Whole is perform'd with all Care and Exactness; and it can hardly be doubted but 'twill give satisfaction to the Candid Reader: And hereafter, if any Gentlemen in those Parts will transmit to the Booksellers any Authentick Laws that have not been printed, or any New Laws that have been, or shall be made in any other of Her Majesty's Plantations, Care shall be taken to put them in a proper and suitable Method, and they shall be printed in another Volume. So wishing Health to all our Plantations, and Prosperity to the Trade thereof,

London,
March 1. 170¾.

Farewel.

THE Acts of Assembly AND LAWS OF VIRGINIA,

Abridg'd under Proper Heads.

A.

Accounts.

I. ANNO 1662. *Ch.* 94. A Defendant sued for a Debt, may discount Bill, Bond, or Account, whereby the Plaintiff appears indebted to him, and Judgment shall be given for no more than the Balance will amount to: But no Bill or Account assigned, shall be pleadable in such manner, without notice first given by the Assignee to the Debtor.

II. *Ch.* 95. No Book-Debts or Accounts ſhall be pleadable againſt the Eſtate of any Perſon deceaſed; nor againſt any living if the Defendant denies the ſame upon Oath; unleſs they be Accounts by Acts of the Aſſembly, Levies, or Chirurgeon's Accounts.

III. No Man ſhall be put to his Oath upon any Ordinary-Keeper's Account: But the Ordinary-keeper muſt produce the Defendant's Hand for Drink or Proviſion, otherwiſe his Debt ſhall not be pleadable.

IV. *Ch.* 96. Accounts againſt a Dead-man's Eſtate ſhall be admitted in Diſcount: But if the Account brought againſt the Eſtate exceed that due to the Eſtate, the Surviver, for the Overplus, ſhall be diſmiſt without day.

V. *An.* 1679. *Ch.* 4. Debts or Accounts againſt Deadmens Eſtates, contracted within one Year, are pleadable and recoverable, ſuch Debts being fairly proved by the Oath of the Creditor and one Witneſs more, and that there is no Diſcount to be made that he knows of.

Adminiſtration.

I. *An.* 1662. *Ch.* 64. Adminiſtration of Inteſtate's Eſtates, and Probates of Wills, ſhall be made in the County Courts, Securities taken, and Inventories received there. All which ſhall be certified into the Secretary's Office, that Strangers and Creditors may be the better enabled to find out the Records, and be informed how they may come to their juſt Debts.

II. *Eod. Ch.* 65. Adminiſtration ſhall not be granted till 9 Months after the Party's Deceaſe, except to the Widow or Child; they to give Security, and to bring in an Inventory made by 4 ſworn Appriſers. In caſe there be no Widow or Child, then the Eſtate ſhall be ſold by the Court at an Outcry; out of which the Creditors of the Inteſtate to be paid according to Priority; and the Surplus, if any, to be delivered to the next Kinſman: if none ſuch appears within 3 Years, then the Court to account for the ſame to the Aſſembly, who are to diſpoſe thereof to the uſe of the Country, allowing reaſonable Charges.

III. Where Widow or Child adminiſters, the Surplus (after Debts paid, and Funeral Expences) to be equally divided between the Widow and Children; *viz.* one Third to the Widow, and two Thirds to be divided

among

among the Children: if any of which die under Age, his part to go to the Survivors.

IV. Administrators shall give Security to be accountable, to bring in a true Inventory, and perform such things as they are by Law obliged unto.

V. Administrators dying before they have obtained their *Quietus*, their Heirs, *&c.* shall be accountable to the next Administrator.

Amerciaments.

I. *An.* 1662. *Ch.* 27. All persons that shall be cast in any Cause (whether Plaintiff or Defendant) shall be amerced, besides Damages and Costs, 50 *l.* of Tobacco in General Courts, and in County Courts 30 *l.* of Tobacco, to be levied by the Sheriffs of the respective Counties, by Distress, (Executors and Administrators excepted.)

II. *An.* 1676. *Ch.* 11. A Former Act touching Amerciaments upon Actions cast at Law, Repealed.

Ammunition.

I. *An.* 1662. *Ch.* 120. Every Man able to bear Arms shall have in his House a fixed Gun, 2 *l.* of Powder, and 8 *l.* of Shot, at least, to be provided by the Master of the Family, under the Penalty of being Fined 50 *l.* of Tobacco.

II. *An.* 1666. *Sess.* 2. *Ch.* 9. Every County shall be impower'd by their By-Laws, to make such Provision of Ammunition, at the County Charge, as their several Occasions shall require.

III. *An.* 1673. *Ch.* 2. Captains of Foot and Horse shall take a strict Account of what Arms are wanting, and represent the same to the Colonel, and he to the County Court, under Penalty of 1000 *l.* of Tobacco for a Captain, and 2000 *l.* of Tobacco for a Colonel.

IV. And the particular County Courts are impower'd to make a Levy for Arms and Ammunition to supply such Wants. The Arms, *&c.* so provided, shall remain in the hands of the Officers of the Militia, and they to distribute the same as there is occasion, those to whom such Distribution is made paying for the same at reasonable rates.

The County that fails in its Duty to provide as abovesaid, shall forfeit a Fine of 10000 *l.* of Tobacco.

Appeals.

I. *An.* 1662. *Ch.* 26. All Appeals made in any Court after the General Court in *March*, shall be heard by the Governor, or Itinerary Councils in their Circuit; from whose Sentence if any Appeal, it shall be to the next Assembly (if the Governor be present) or to the next General Court, from which the Councellors who gave their Opinion in the Courts below, shall be suspended during the Tryal. All Appeals made from the *October*, *December*, and other intervening County Courts, to be made to the next succeeding General Court, and from thence to the Assembly.

II. The Appellant shall give good Security for prosecuting the Appeal, and Payment of 50 *per Cent.* in case the Appellant be Cast, for his unjust Vexation.

III. Provided no Appeals be made from *Northampton* County, under the Value of 3000 *l.* of Tobacco, or 30 *l.* Sterling.

IV. All Causes, of what nature soever, may be tryed at the County Courts, except for Life or Member. No Arrests shall be to the General Court under the Value of 1600 *l.* of Tobacco, or 16 *l.* Sterling.

V. *An.* 1662. *Sess.* 2. *Ch.* 10. Defendants in Appeals shall give Bail for their Appearance, as in cases of Arrests; and the Sheriff and Bail shall be responsible for Non-appearance.

VI. *An.* 1668. *Ch.* 3. In all Actions, the Damages and Costs recover'd in County Courts against an Appellant, shall be raised 50 *per Cent.* in the General Court or Assembly, in case the Appellant be cast there also.

Apprisements.

I. *An.* 1662. *Ch.* 48. For the equal Apprisement of Goods taken in Execution, the Plaintiff and Defendant shall choose each two indifferent Men, and they, or three of them, in case of Disagreement, shall choose an Umpire, who shall be sworn to apprise such Goods indifferently,

and

and his Umpirage ſhall be final. If the Plaintiff or Defendant neglect to appoint, the Sheriff ſhall appoint after three Days.

II. After Appriſement made, the Property ſhall veſt in the Sheriff for the uſe of the Creditor. The Sheriff ſhall return the Execution to be enter'd upon Record.

III. Real poor men in Execution for Debt under 1000 *l.* of Tobacco, ſhall have their Eſtate equally appriſed by ſworn Appriſers, and ſhall make payment thereof to their Creditor to redeem their Perſons.

Arreſts.

I. *An.* 1664. *Ch.* 9. No Perſon ſhall be Arreſted at *James City* 5 Days before, or 5 Days after the General Courts or Aſſemblies, except he be an Inhabitant of *James City* County.

II. *An.* 1682. *Ch.* 9. The Inhabitants of *James City* County ſhall be privileged from Arreſts in time of General Courts and Aſſemblies, and only the Inhabitants of *James City* liable.

Aſſemblies.

I. *An.* 1662. *Ch.* 89. The firſt Day of every Aſſembly ſhall be employed in receiving the Preſentments of Grand Juries concerning their Breach of Penal Laws, and enquiring into the remiſſneſs of Juries and Courts, and how the Laws have been put in execution, and in diſpoſing of Fines levied for the uſe of the Counties where they accrued.

II. *An.* 1664. *Ch.* 6. For the Convention of Burgeſſes at Aſſemblies, timely notice ſhall be given in the Pariſh-Churches of the Day appointed by the Sheriff of their meeting at the uſual Places of Election, to preſent their Grievances to the Burgeſſes.

III. *An.* 1668. *Ch.* 8. For any Perſon maliciouſly to publiſh and declare, by Words or Writing, that the Acts of Aſſembly, not repeal'd or expired, vacated or null'd by the King, are not of force and binding to all his Majeſty's Subjects within this his Dominion; ſuch Perſons ſhall be adjudged Seditious: and being thereof convicted, ſhall be Fined for the firſt Offence 1000 *l.* of Tobacco, and

suffer one Month's Imprisonment; for the second Offence 2000 *l.* of Tobacco, and two Month's Imprisonment; and for every Offence after double the Penalties and Forfeitures aforesaid: one half of which Forfeitures to the King, the other to the Informer, to be recovered by Action of Debt in any of his Majesty's Courts in this Country.

Attachment.

I. *An.* 1665. *Ch.* 1. Upon Suspicion of any Person's Intention to remove out of the County where he dwells, in order to conceal, or withdraw himself out of the Country; any Justice of Peace may issue out an Attachment against so much of his Estate, as by the Claim made shall appear due to a Creditor; repleviable upon Security given, *&c.*

II. Provided, that the said Justice take Security of him that desires such Attachment, to pay the Defendant such Damages as shall be awarded, in case the Plaintiff be cast.

Attorneys.

I. *An.* 1662. *Ch.* 49. No Sheriff, Commissioner, Under-Sheriff, or Clerk of any Court within this Colony, shall be permitted to plead as an Attorney in the Court where he officiates; under pain of being Fined 1000 *l.* of Tobacco, to the use of the County. Yet the Court may assign a Commissioner to plead for a Pauper; but such Commissioner shall not give Judgment in that Cause. Any of the Officers above-mention'd, acting as general Attorney for any Person absent out of the County, may plead for his Employer.

II. *Eod. Ch.* 82. An Attorney, by any Power out of *England* or elsewhere, shall not implead any of this Colony, without first giving Security to answer Costs and Damages where the Defendant appears to be unjustly molested.

III. *An.* 1680. *Ch.* 6. None shall practise as an Attorney, or plead in a Court, unless first Licensed by the Governor, under pain of 600 *l.* of Tobacco for pleading without Licence in the County; and in the General Court, 2000 *l.* of Tobacco; one half to the King, the other

other to the Informer: to be recover'd by Action of Debt, *&c.*

IV. No Licensed Attorney shall demand or receive for bringing any Cause to Judgment in the General Court, more than 500 *l.* of Tobacco and Cask; and in the County Court 150 *l.* and Cask: which Fees are allow'd him without any pre-agreement.

V. If any such Attorney shall refuse to plead any Cause in the respective Courts aforesaid for the foresaid Fees, he shall forfeit as much as his Fees should have been.

VI. This Act shall not debar any Man that is capable, from managing and pleading his own Cause in any of the said Courts.

VII. *An.* 1682. *Ch.* 6. A Repeal of the foregoing Act of 1680. *Ch.* 6.

B.

Baptism.

I. *ANno* 1662. *Sess.* 2. *Ch.* 3. Every Person who refuses to have his Child Baptized by a Lawful Minister, shall be amerced 2000 *l.* of Tobacco: half to the Parish, half to the Informer.

II. *An.* 1667. *Ch.* --- Enacted and declared, That Baptism of the Children of Slaves, or those of greater growth, doth not alter the Condition of the Person, as to his Bondage or Freedom.

Bills of Exchange.

An. 1666. *Sess.* 2. *Ch.* 18. Damages to be given upon Bills of Exchange drawn upon Persons in *England*, and there Protested, shall not exceed 50 *per Cent.* And a former Act giving 30 *per Cent.* Repealed.

Bounds and Limits.

An. 1663. *Ch.* 2. All the Inhabitants of the Eastern Shore of *Virginia*, from *Watkins Point* Southward, shall render Obedience to the Governor of *Virginia*, and pay the King's Rents and publick Dues to that Colony: which said Place of *Watkins Point* is concluded to be the North side of *Wiccacomico* River on the Eastern Shore. And in case the Lord *Baltimore*'s Lieutenants or Deputies are not convinced of their pretended Intrusions, a Meeting is appointed to debate and determine the matter. In the mean time, the Inhabitants on the Eastern Shore are required to conform due Obedience to this Act.

II. *An.* 1665. *Ch.* 6. The same Law that is in force for the Bounding of Lands, shall be in force for Bounding of Counties and Parishes.

Burgesses.

I. *An.* 1662. *Ch.* 50. The Sheriff of every County, upon his Receipt of the Writ for Election of Burgesses, shall send Copies thereof, with the Day appointed for the Election, to the Minister of every Parish in his County, who is to read the same to the People in the Church two *Sundays* successively, and return the same to the Sheriff, with his Attestation. The Sheriff neglecting so to do, shall be Fined 2000 *l.* of Tobacco; and every Freeman neglecting, after such notice, to come and give his Vote, shall be amerced 200 *l.* of Tobacco. And the Sheriff who neglects to make due Return of the Writ, with the Names of the Burgesses endorsed, into the Secretaries Office at *James City*, shall be Fined 2000 *l.* of Tobacco.

II. *Eod. Ch.* 83. The Secretary shall provide for the timely conveyance of Writs for Election of Burgesses into every County, and for his pains shall be paid one Hogshead of Tobacco for every County; which Writs shall be signed 40 Days before the Day of Return.

III. *Eod. Ch.* 84. No County shall hereafter send above two Burgesses to the Assemblies. Provided, That *James City*, being the Metropolis of the Country, shall elect one Burgess for themselves: And every County that will

will lay out 100 Acres of Land, and People it with 100 tithable Persons, shall have the like Privilege.

IV. *Eod. Ch.* 85. The Maintenance of every Burgess shall be 150 *l.* of Tobacco and Cask *per* day; beside necessary Charges of going and returning.

V. *Eod. Ch.* 86. A Burgess not appearing upon the Day of the Return of the Writ, (unless upon reasonable Cause to be allow'd by the House) shall forfeit for every days absence 300 *l.* of Tobacco.

VI. *Eod. Ch.* 87. No Burgess, nor any of his Attendants, shall be Arrested from the time of his Election, till 10 Days after the Dissolution of the Assembly wherein he serves. If the Assembly be Adjourn'd for above a Month, he shall be Privileged but 10 Days after the Sessions, and 10 Days before the next Sessions.

VII. *An.* 1669. *Ch.* 7. Every County shall Return two Burgesses.

VIII. *An.* 1670. *Ch.* 3. None but Freeholders and House-keepers shall have any Voice in the Election of Burgesses; and the Election shall be at the Court-house.

IX. *Eod. Ch.* 9. Every County not sending two Burgesses to every Session of Assembly, shall be Fined 10000 *l.* of Tobacco, to the use of the Publick.

X. *An.* 1676. *Ch.* 16. The Allowance for every Burgess for the future, shall be 120 *l.* of Tobacco and Cask *per* day; to commence two Days before every Assembly, and continue two days after. And for their Travelling Charges, there shall be allow'd to those that come by Land 10 *l.* of Tobacco *per* day for every Horse so used: And for Water-passage, proportionable Charges are set forth and ascertain'd.

XI. No Expence of Committees shall be allow'd of for the future, or brought to the Publick Account.

Bye-Laws.

An. 1662. *Sess.* 2. *Ch.* 15. The several and respective Counties, and Parishes in those Counties, shall have Power and Liberty to make Bye-Laws for themselves; which Laws shall be binding upon them as fully as any General Act.

C.

Castle-Duties.

I. ANno 1662. *Sess.* 2. *Ch.* 17. Masters of Ships may pay for their Fort-Duties in kind; *viz.* half a pound of Musquet Powder, and 3 *l.* of Leaden Shot, for every Tun their Ship is of Burden, to the Captain of the Fort; or else pay the said Duties in Money or good Bills of Exchange.

II. *Anno* 1669. *Ch.* 5. *Virginia* Owners shall be exempted from paying Castle-Duties.

Cattel.

I. *Anno* 1662. *Ch.* 123. No Mares or Sheep shall be Exported upon forfeiture of treble the Value: one half to the Informer, the other to the Publick.

II. *Anno* 1666. *Sess.* 2. *Ch.* 17. Sheep shall be included among other sorts of Beasts, and Cattel, mention'd in the Act of 1662. *Ch.* 77. For which see **Fences**, *Ser.* 1.

III. *Anno* 1668. *Ch.* 6. Horses and Mares may be Exported, and the Act prohibiting the same Repeal'd.

IV. *Anno* 1669. *Ch.* 2. No Horses or Mares shall be Imported from any other Plantation or Government, under penalty to be seized by the Sheriff of the County, for the use of the Publick: out of the value thereof, half to the Informer.

Cessation.

I. *Anno* 1666. *Sess.* 2. *Ch.* 1. The Planting and Tending Tobacco from 1 *February* 1666, to 1 *February* 1667, prohibited in *Virginia*; and a Treaty appointed with those of *Maryland* and *Carolina*, for a like Cessation in those Countries also.

II. *Eod. Ch.* 2. Debts due in the Cessation-year from Planting (except Publick Dues) shall be one half down in

in kind, and the Debtor ſhall have Liberty for paying the other half till the 10th of *November* 1668, giving reaſonable Security to pay the reſt at the time aforeſaid.

III. *Eod. Ch.* 3. Publick Dues, this Year of Ceſſation, ſhall be paid in the Country Commodities; *viz.* for a Buſhel of Wheat 40 *l.* of Tobacco, or 4 *s.* and ſo for other Commodities rated proportionable, &c. The Debtors to pay the Grain in Casks, for which the Creditor to allow him 10 *per Cent.* as in the caſe of Tobacco.

Chirurgeons.

I. *Anno* 1662. *Ch.* 92. Any Perſon conceiving the Account of a Chirurgeon or Phyſician unreaſonable, ſuch Chirurgeon, &c. ſhall be compell'd to declare upon Oath in Court, the true Value, Coſt, and Quantity of the Drugs adminiſtred; which the Court ſhall allow him, with 50 *per Cent.* advance; and ſuch Conſideration for his Care, &c. as they ſhall judge fit: but if it appears that he hath neglected his Patient, he ſhall be Fined at diſcretion.

II. *Eod. Ch.* 93. Chirurgeons Accounts ſhall be recoverable where the Party dies, or where he recovers, ſix Months after, and no longer.

Church, and Church-Service.

I. *Anno* 1662. *Ch.* 1. A Church ſhall be built in each Pariſh of the Country, unleſs the Inhabitants are ſo few and poor as they are incapable of ſo great a Charge: then they ſhall be annex'd to ſome great Pariſh of the ſame County, and a Chapel of Eaſe built for them.

II. *Eod. Ch.* 2. For the more orderly managing of all Parochial Affairs, twelve of the moſt able Men of every Pariſh ſhall be choſe to make a Veſtry; out of which number, the Miniſter and Veſtry ſhall chooſe two Church-Wardens yearly.

III. None ſhall be admitted of the Veſtry without taking the Oaths of Supremacy and Allegiance, and ſubſcribing to be conformable to the Church of *England*.

IV. *Eod. Ch.* 6. The whole Liturgy of the Church of *England* ſhall be throughly read at Church or Chapel every

ry *Sunday*; and the Canons for Divine Service and Sacraments duly observed.

V. *Ch.* 7. No other Catechism shall be taught or expounded than the Church Catechism inserted in the Book of Common Prayer.

VI. *Ch.* 14. In every Parish three or more places shall be set apart and fenced for places of publick Burial. And before the Burial, three or four Neighbours shall be called, who may, in case of suspicion, view the Corps, and accompany it to the Grave.

Church-Wardens.

I. *Anno* 1662. *Ch.* 13. Church-Wardens shall Present at the County Court, twice every Year, in *December* and *April*, such Misdemeanors of Swearing, Drunkenness, Fornication, *&c.* as by their own Knowledge, or Common Fame, have been committed during their being Church-Wardens.

II. *Eod. Ch.* 15. Church-Wardens shall keep the Church in Repair, provide Books and decent Ornaments, *viz.* a Great Bible, two Common Prayer Books, *&c.* collect the Minister's Dues, and honestly pay them, and give a true Account to the Vestry, when required.

Circuit.

I. *Anno* 1662. *Ch.* 25. The Governor and one of the Council, or two of the Council, commission'd by the Governor, shall go the Circuit yearly in *August*, and visit all the County Courts, and hear and determine all Causes then depending in them.

II. Provided, no Counsellor to go the Circuit in the River where he doth inhabit.

Cloth.

I. *Anno* 1682. *Ch.* 11. For encouragement of the Linen Manufacture, the Publick shall allow 24 *l.* of Tobacco for every Peck of Flax-seed, and 20 *l.* of Tobacco for every Peck of Hemp seed, to every Person that shall

pro-

produce ſuch Seeds of their own Growth or Manufacture. And whoſoever ſhall work up his Flax and Hemp fit for the Spindle, and produce the ſame at the next County Court, he ſhall be allow'd for encouragement, 2 *l.* of Tobacco for every Pound ſo wrought. And whoſoever ſhall make, or cauſe to be made, the ſaid Flax or Hemp into Cloath, ſhall be allow'd for every Ell 6 *l.* of Tobacco, and for every Yard of Woollen Cloath 6 *l.* of Tobacco.

II. Every tithable Perſon being in this Country in the Year 1664, ſhall make or cauſe to be made, yearly, 2 *l.* of dreſs'd Flax or Hemp, under the Penalty of 50 *l.* of Tobacco for neglect.

III. Alſo an Encouragement ſhall be given by the Publick of 10 *l.* of Tobacco for every well wrought Hat, made of Wool or Fur, in this Country; and the like for every dozen pair of Woollen or Worſted Hoſe.

IV. This Act to be in force to the 10th of *Nov.* 1685, and no longer.

Cockquets.

I. *Anno* 1676. *Ch.* 6. The Rates for Cockquets ſhall be one Half-penny *per* Hogſhead for all Quantities under 20 Hogſheads, and 12 *d.* for every Cockquet for all Quantities in one Bill of Entry above 20.

II. Veſſels built in this Colony, ſhall for the future pay only 2 *s.* 6 *d.* for Entry; as much for Licenſe to Trade; as much for Clearing; and as much for the Bond.

College, and School.

Anno 1662. *Ch.* 18. Land ſhall be Purchaſed, and convenient Houſing Erected, with as much ſpeed as may be, for a College and Free School.

Commiſſioners.

I. *Anno* 1662. *Ch.* 61. A Debt acknowledged by the Debtor, under his Hand and Seal, before two Commiſſioners (one *Quor.*) ſhall be in nature of a Judgment, be-

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ing attested by the Commissioners, and enter'd by the Clerk of the County Court upon Record: and Execution shall issue as upon a Judgment. But in case no Execution issue in a Year after, then a *Scire facias* to be first sued out.

II. *Anno* 1670. *Ch.* 8. A Commissioner's Warrant shall be of force to oblige every Constable within his own Precinct, to prosecute Hue and Cry, or to apprehend and convey Run-aways.

Compositions.

I. *Anno* 1667. *Ch.* 2. No Composition shall be made with any Person, for any Horses, Boats, Cattel, or other things plunder'd or taken from them in the late Rebellion, but in open Court, otherwise to be null and void.

II. In Suits to be brought for any Trespass in the late Rebellion, Proof shall be first made, upon Oath of their whole Loss or Claim, and what Goods have been recover'd, *&c.*

III. Whosoever shall renew the late Quarrels and Heart-burnings by Names and Terms of Distinction, *viz.* Rebel, and Traytor, and being thereof convict, shall forfeit 400 *l.* of Tobacco. The like Fine upon those who shall provoke any of the Loyal Party, by ill Language, *&c.*

Conveyances.

Anno 1662. *Seff.* 2. *Ch.* 9. Conveyances of any Estates in this Country made in *England*, or authentick Copies, shall be sent over to this Country the next Shipping, and here manifested in the General Court, and recorded in the Secretary's Office, or else to be lookt upon as fraudulent, and of no force against the Claim of any Creditor in this Country.

Corn.

I. *Anno* 1662. *Ch.* 112. Every Master of a Family shall for every tithable person in his Family, plant or tend two Acres of Corn or Pulse, under the penalty of 500 *l.* of Tobacco for every Acre neglected.

II.

II. The Sowing of one Acre of *English* Wheat ſhall excuſe the Planting of two Acres of *Indian*, or other Corn, as this Act enjoyns.

III. *Anno* 1675. *Ch.* 3. After the 5th of *April* next, no Corn or other Proviſion ſhall be Exported out of this Colony, under the penalty of 200 *l.* of Tobacco for every Barrel of Corn, and double the price for any other Proviſion. This Reſtraint to continue till the laſt day of *July* next, and no longer, unleſs the Governor think fit.

Courts, and Proceedings at Law.

I. *Anno* 1662. *Ch.* 19. The Courts held by the Governor and Council ſhall be call'd General Courts, three in the Year; the firſt to begin on the 20th of *March* (unleſs *Saturday* or *Sunday*, and then the *Monday* following, and laſt eighteen days, not accounting *Sundays*: the ſecond to begin on the 20th of *September*, and laſt twelve days: the third to begin on the 20th of *November*, and laſt twelve days.

II. The Stile of the Court to be thus. *At a general Court held at* James City *the 20th day of* —— *by his Majeſty's Governour and Council, in the* —— *Year of the Reign of our Soveraign Lord* —— *by the Grace of God, &c. Preſent*, &c. Then Proclamation for Silence, and another for the Suitors to appear. Then the Cryer ſhall call the Plaintiff thus: A. B. *come forth, and proſecute thy Action againſt* C. D. *or elſe thou wilt be Nonſuit.* The Plaintiff putting in his Declaration, the Defendant ſhall be called thus; C. D. *come forth, and ſave thee and thy Bail, or elſe thou wilt forfeit thy Recognizance.*

III. *Ch.* 20. Warrants ſhall be iſſued by the Clerks of the General Courts; and the Clerk ſhall ſo proportion the number of Actions, that there may be 20 for each day: and till there be 20 Actions enter'd for the firſt day, no Warrant ſhall iſſue for the ſecond. Warrants ſhall be ſerved ten Days before the Return of the Writ.

IV. *Ch.* 21. Courts ſhall ſit each day from 8 to 11 in the Morning, and from 1 to 3 in the Afternoon. Order ſhall, after they are drawn up, be read in open Court, in preſence of Plaintiff and Defendant, if they will be preſent, that ſo Miſtakes or Errors may be rectified, before they be enter'd of Record.

V. *Ch.*

V. *Ch.* 22. The Plaintiff's Declaration shall be filed in the Office at least 3 days before the Hearing.

VI. If the Plaintiff makes default in not appearing to prosecute, or not filing his Declaration as abovesaid, he shall pay to the Defendant, for a Non-suit, if dwelling within 50 Miles, 150 *l.* of Tobacco; if above 50, 350 *l.* of Tobacco. If the Defendant makes default in not appearing, Judgment shall pass against the Bail for the thing sued for; if no Bail, then against the Sheriff, with stay of Execution till next Court, *&c.*

VII. *Ch.* 23. References by *Advisare Volumus*, and Actions enter'd during the Court-time, shall be adjourn'd to the two last days of the Session.

VIII. *Ch.* 31. Four at least, of the most honest and judicious men in every Country (one *Quor.*) shall be impower'd by Commission from the Governour to act according to the Laws of *England* and this Country, as Justices of Peace. Who shall take the Oaths of Allegiance, and Supremacy, and of a Justice of Peace.

IX. The Courts of the said Justices shall be called County Courts, and shall be kept precisely upon these days, in the several Counties; (*viz.*)

Henrico, the 1. Day.
Charles City, the 3.
James City, the 6.
Isle of Wight, the 9.
Nanzemond, the 12.
Lower Norfolk, the 15.
Elizabeth City, the 18.
Warwick County, the 21.
York County, the 24.
Northampton, the 28. Day.
New Kent, the 28.
Gloucester, the 16.
Lancaster,——
Rappahanoch,——
Surrey,——
Northumberland,——
Westmorland,——

All Justices of the said Courts shall duly attend, or forfeit for Absence, without good Cause shewn, 300 *l.* of Tobacco.

X. *Ch.* 32. No Sheriff shall make any Arrest, unless the Action be first enter'd under the Penalty of 500 *l.* of Tobacco.

XI. *Ch.* 33. As the Plaintiff both in General and County Courts files his Declaration, so the Defendant shall put in his Answer in Writing; and the Judgment, if for the Plantiff, shall be endorsed on the back of the Declaration; if for the Defendant, on the Answer; and all the

Evidence

Evidence in the Cause shall be carefully filed with them.

XII. *Ch.* 34. The Form of entring, the Stile, Proclamation, and calling Plaintiff and Defendant, shall be the same in the County Courts as in the General Courts, *mutatis mutand*

XIII. *Ch.* 35. The Court shall not take cognizance of any Cause under the Value of 200 *l.* of Tobacco, or 20 *s.* Sterling. Matters under that value, any Justice may hear and determine. No Action for Words shall lie, but such only as (if true) might have brought the person to suffer Punishment by Law: otherwise the Plaintiff to be Nonsuited.

XIV. *Ch.* 36. No private Courts shall be held, but all Business transacted in open Court, at the times and places by Law appointed. Provided, a Justice of *Quorum* may summon a particular Court for dispatch of Merchants affairs which cannot be deferred without much detriment.

XV. *Ch.* 38. No Order of Court or Proclamation shall be valid that is contradictory to an Act of Assembly.

XVI. *Anno* 1662. *Sess.* 2. *Ch.* 4. Upon a *Non est inventus* return'd, the Creditor's Oath shall be taken, and Judgment for what he swears due: and in like manner where Bail is taken, against the Bail.

XVII. *Anno* 1664. *Ch.* 4. All Writs returnable to the General Court shall be divided, 10 for the Forenoon, and 10 for the Afternoon. And if the Plaintiff fail to appear to prosecute at the time appointed, he shall be Nonsuit; if the Defendant fail, Judgment shall pass against him, *&c.*

XVIII. *Anno* 1666. *Ch.* 3. The General Court, formerly held on the 20th of *March*, shall for the future be held on the 15th of *April*.

XIX. *Anno* 1669. *Ch.* 3. The Course observed in General Courts for re-examining and signing Orders, shall be observed in the County Courts, under the penalty of 1000 *l.* of Tobacco.

XX. *Anno* 1674. *Ch.* 3. No County shall for the future pay or allow any Sums of Tobacco for paying and satisfying the Expences and Accommodation of the Justices at their County Courts.

XXI. *An.* 1676. *Ch.* 17. Courts of Judicature, which by reason of the late Rebellion have been shut up, and the course of Justice interrupted, shall from the Date of this Act be open'd and held according to the usual manner and Custom of the Country.

XXII. *Anno* 1677. *Ch.* 12. All Executions issuing upon Judgments obtain'd in the Grand Assembly, shall be written by the Clerk of the Assembly, and signed only by the Governour.

XXIII. *Anno* 1679. *Ch.* 3. Two Men shall be chosen out of every Parish, and being returned by the Church-Wardens, shall sit in the several County Courts, and there have equal Votes with the several Justices for the making of By-Laws. And all By-Laws so made shall bind the Inhabitants of those Counties. Also one Member may be Elected for every Chapel of Ease.

XXIV. *Anno* 1682. *Ch.* 5. Writs of *Dedimus Potestatem*, to examine Witnesses in any Cause depending in the General Court, shall and may be issued and signed by any one of the Council.

XXV. All Writs of Execution, and Writs of Attachment awarded in the said Court, shall be issued forth of the Secretary's Office, and signed by the Clerk there attending, without sending to the Governor for his Sign, as hath been formerly used.

Crown.

I. *Anno* 1662. *Ch.* 125. To steal, or unlawfully to kill any Hog that is not his own, upon sufficient proof the Offender shall pay to the Owner 1000 *l.* of Tobacco, and as much to the Informer: And in case of Inability, shall serve two Years, one to the Owner, and one to the Informer.

II. He that brings home a Hog, or Hogs, without their Ears, shall be adjudged a Hog-stealer. The Receiver shall be accounted an Actor in the Trespass.

III. *Anno* 1665. *Ch.* 5. Every particular Offender in Stealing may be singly prosecuted, and have Judgment against him for the whole Fine.

IV. Where a Freeman is punishable by Fine, a Servant shall receive corporal Punishment; *viz.* for every 500 *l.* of Tobacco 20 Lashes, and so proportionable, unless the Master, or other, will redeem them by making payment.

V. *Anno* 1662. *Seff.* 2. *Ch.* 13. Criminals, having Estate sufficient, the Charge of his Prosecution shall be paid out of the Delinquent's Estate, otherwise by the Publick and County.

VI.

VI. *Anno* 1679. *Ch*. 2. The first offence of Hog-stealing shall be punish'd according to the former Law; upon a second Conviction the Offender shall stand two hours in the Pillory, and lose his Ears; and for the third Offence he shall be tryed by the Laws of *England*, as in case of Felony.

D.

Debts, vide Foreign-Debts.

I. ANno 1664. *Ch*. 1. A Priority of Payment shall be given for Debts contracted in this Country, if claimed within 12 Months; before which time, no foreign Debts shall be pleadable, unless there be Effects remaining after the Country Debts are paid.

II. Yet a just Creditor venturing his Goods hither, and entring the same in any Court of Record within 2 Months after Arrival, shall have equal pleading with the Inhabitants of the Country.

Dedimus Potestatem.

Anno 1662. *Ch*. 29. In a Cause depending in the General Court, the Governor; if in the County Court, any one of the Council, may grant a *Dedimus Potestatem* to examine Witnesses in the Counties where they dwell, directed to three or more indifferent persons, who are impowered to Subpœna the Witnesses, and fine them for not appearing; and after execution of the said Commission to return the same, and the Examinations, to the Court from whence it came.

Deserted Lands.

Anno 1662. *Ch*. 69. No Patent shall hereafter pass upon pretence that the Land is deserted for want of Plant-

ing within three Years, unless proof be made before the Governor and Council, and an Order obtain'd for patenting thereof, *&c.*

E.

Execution.

AN. 1663. *Ch.* 11. Any person in Execution for Debt, and making Oath that he hath not any specifical Tobacco or Money to answer the Debt, shall render an Inventory of his whole Estate upon Oath to his Creditor, who shall have liberty to choose any of the Estate so tender'd for Satisfaction of his Debt; which being appraised by four indifferent persons, shall be by the Sheriff deliver'd to the Creditor, and the Debtor acquitted.

F.

Fees.

I. ANno 1662. *Ch.* 137. Clerks Fees may be pleadable any time within 3 years.

II. The several Fees of the Secretary, the Clerks of the County Courts, and General Assembly, and of the Sheriffs, ascertain'd in Tobacco. For which see the Act at large. And by the Act 1671. *Ch.* 6. the Sheriff's Fee for an Arrest shall be 10 *l.* of Tobacco, for the Bond 5 *l.* of Tobacco, and for the Commitment nothing.

III. *Anno* 1679. *Ch.* 6. No Collector shall take more for Entring and Clearing of any Ship or Vessel under 20 Tuns, than 15 *s.* and if above 20 Tuns, 30 *s.* which shall be in full of all his Fees, for Entring, Clearing, License to Trade, and Bond.

IV.

IV. *Anno* 1680. *Ch.* 16. Certain additional Fees allow'd to County Court Clerks, in Tobacco; for which see the Act at large.

V. If any such Clerk shall exact and take more than allowed, he shall forfeit ten times the value of what he so exacts.

Feme-Covert.

Anno 1674. *Ch.* 5. Sales that have been, or shall be, made by Husband and Wife of the Wife's Land, by Conveyance, acknowledged in the General Court, the Wife being first privately examined by the Court whether she doth it freely, shall be good and effectual, as if it had been done by Fine and Recovery.

Fences.

Anno 1662. *Ch.* 77. Every Planter shall make a sufficient Fence about his Ground at least four foot and a half high, or suffer the Damage of Cattel trespassing, without injuring such Cattel, *&c.*

Fines.

Anno 1662. *Ch.* 40. Courts shall only lay and collect Fines for Trespasses against the Publick; and the Clerk of the respective Court shall return the Estreatments to the Clerk of the Assembly at *James City*, who shall receive them, and present them at the next Assembly to the Burgesses, and they dispose of them for the Benefit of the respective Counties where they became due.

Fishing.

Anno 1680. *Ch.* 17. No person shall strike or kill any Fish within the Limits of the Counties of *Glocester*, *Middlesex*, or *Lancaster*, between the first day of *April* and the first of *November*, under the penalty of 500 *l.* of Tobacco and Cask; one half to the King, the other to the Informer.

Flax and Hemp.

An. 1673. *Ch.* 4. Every County Court shall at or before the 20th day of *October* 1675 procure one Quart of Flax Seed, and one Quart of Hemp Seed, for every tithable person within their County, and cause the same to be distributed among the Inhabitants, under the penalty of 5000 *l.* of Tobacco. And every tithable person within the said County shall the next Year after such Distribution make or cause to be made, one pound of drest Flax, and one pound of drest Hemp, under penalty of 60 *l.* of Tobacco for every pound neglected, *&c.*

Foreign-Debts.

An. 1663. *Ch.* 10. No Debt whatsoever is pleadable against any Inhabitant of this Country, but for Goods imported into this Country.

Fornication.

An. 1662. *Ch.* 100. The Man and Woman committing Fornication shall pay each 500 *l.* of Tobacco, and to be bound to their good Behaviour. If either of them be a Servant, the Master shall pay the 500 *l.* of Tobacco, and the Servant shall serve half a Year longer than his time. If the Master shall refuse to pay, then the Servant to be whipt. If a Bastard be got and born, then the Woman to serve her Master two Years longer than her time, or pay him 2000 *l.* of Tobacco; and the reputed Father to give Security to keep the Child.

Forts.

I. *Anno* 1665. *Ch.* 9. 80000 *l.* of Tobacco shall be levied, besides the Sale of King *Potomack*'s Land, to build a Fort where the Governor shall think fit.

II. The Governor shall have power to press Carpenters, and Workmen; the Carpenters to be allow'd 45 *l.* of Tobacco

bacco *per* Day. Pines may be fell'd in any Man's Land for that uſe, paying the Owner *6 d. per* Tree.

III. Every perſon of the Trainbands in *James City* and *Surrey* Counties, ſhall contribute ſix Days Work towards perfecting the ſaid Fort.

IV. *W. B.* appointed Surveyor of the whole Work, for which he is to have a Gratification of 10000 *l.* of Tobacco.

V. The Governor's Guards to have the Cuſtody of the ſaid Fort when built.

VI. *Anno* 1672. *Ch.* 1. The Forts on all Rivers ſhall be built with Brick, where the decay of the old ones ſhall require new, or Repairs.

VII. The Commiſſioners of each Aſſociation ſhall aſſeſs and levy ſo much Tobacco in their reſpective Counties as ſhall be needful for the repairing or new building their reſpective Forts.

VIII. Upon all Alarms or ſudden Invaſions the next adjacent Colonel or Commander to any Fort ſhall draw down his Forces for the Defence thereof, till farther Order of the ſuperior Officers.

IX. The Rates of Smiths, Armourers, and ſuch like, ſhall be aſcertain'd, and care taken by the County, that they be duly paid: who are to lay aſide all other Works to go about that of Arms.

X. It ſhall not be lawful for any Canoo, Boat or Sloop to go on board any Ship arriving in any part of *Virginia*, before the ſaid Ship ſend on ſhore, under ſevere Penalties. This Clauſe to be of force only in the time of War.

XI. *Anno* 1680. *Ch.* 4. Every Gariſon and Fortification ſhall have 20 Soldiers beſides the Commander: And the ſaid Soldiers, their Horſes, and Arms, ſhall be ſupply'd by the County, according as directed by an Act made *Anno* 1679. (*Vid.* Militia.)

XII. The Governor, if he ſees cauſe, is requeſted to place in the ſaid Gariſons ſuch a number of the King's Foot Soldiers as ſhall be thought needful, to be provided for at the Country's Charges.

XIII. *Anno* 1682. *Ch.* 7. The Forts Erected and Gariſon'd on the account of *Indian* Enemies, ſhall now, upon Peace concluded, be diſmantled, and the Officers and Soldiers therein disbanded: and 20 Men with Horſes and Accoutrements raiſed in each of theſe Counties, *Henrico*, *New Kent*, *Rappahannack*, and *Stafford*, one of which 20 to be Corporal, and Command in the Captain's Abſence. (Whoſe Pay is aſcertain'd in the ſaid Act.) XIV.

XIV. These Men shall be once every Month Muster'd and Disciplin'd; and every Captain, or his Corporal, shall once in 14 days range and scout about the Frontiers of the County for which he serves, for the Discovery of the Enemy, under pain of Forfeiting 1000 *l.* of Tobacco and Cask.

XV. Upon Approach of any Enemy, or such Attempt discover'd, speedy Advice shall be given thereof to the chief Officers of the Militia, and to the Governor, *&c.* And the said Captain shall attend the Motion of the Enemy, and execute such Orders as shall be sent him by the Governor and Council.

XVI. This Act to continue for three years; and the foresaid Act of 1680 (*sup. S.* 11.) shall be repealed for three Years, and after until the King's Pleasure be signified to the contrary.

Fraud.

I. *ANno* 1662. *Ch.* 73. None shall pass by Conveyance, or otherwise, any Lands, Goods, or Cattel, whereby his Creditors may be defrauded, unless such Conveyance or other Deed be acknowledged, and Registred at the General Court, or County Court, within six Months after such Alienation. No Alienation in other manner shall be valid in Law, nor bar any Creditor from seizing the same by Law.

II. No Conveyance acknowledged and recorded shall be good against Creditor or former Purchaser till four Months after; in which time if no Fraud be shewn, the Sale shall stand good against all Claimants, except such as pretend to overthrow the Seller's Title; in whom five Years possession shall bar.

III. This Act shall not extend to Debtors who in satisfaction of just Debts, make a Bill of Sale, and deliver the Goods *bona fide* into the possession of the Creditor.

Frontiers.

Anno 1664. *Ch.* 2. No person shall seat above the Plantations already seated, but with four able hands well armed, except such as have already patented Land in any remote

remote part, and they may have seven Years time to seat and strengthen themselves in each particular Plantation with the said number of four Men, or else desert their Land.

G.

Grants.

ANno 1662. *Ch.* 68. All persons claiming Land as due by Importation of Servants, shall prove their Title before the Governor and Council, or produce Certificates from the County Courts to the Secretary's Office before any Survey be made, or Grant admitted.

Grievances.

Anno 1680. *Ch.* 11. The Sheriff of each County shall before every Session of Assembly appoint a Time and Place for receiving all County Grievances; which shall be signed by the parties giving the same, and attested by the County Clerk. And no private Propositions or particular Aggrievance shall be received into the Assembly, but what is signed.

H.

Hides.

1. ANno 1662. *Ch.* 115. For any person to Export out of this Country, Hides, Wool, or Iron, he shall for every such Offence pay, for every Hide 1000 *l.* of Tobacco, for every pound of Iron 10 *l.* of Tobacco, and for every

ry pound of Wool 50 *l.* of Tobacco: One half to the Informer, the other to the Publick.

II. *An.* 1662. *Sess.* 2. *Ch.* 21. Whosoever shall sell or dispose of any Hides contrary to the Intent of the former Act, shall be fined for every Hide so sold to be exported, 1000 *l.* of Tobacco.

III. *An.* 1680. *Ch* 12. No Person shall export any untainted Hides or Deer-Skins, under Penalty for every Hide or Skin that shall be found on Board any Ship, *&c.* 100 *l.* of Tobacco and Cask, and the forfeiture of such Skins: One half to the King, the other to the Informer.

IV. *An.* 1682. *Ch.* 4. No Person whatsoever shall after 1 *Jan.* export or convey out of *Virginia*, any Iron, Wool, Wool-fells, Skins or Hides, or Leather tanned or untanned, of any Deer, Oxe, Steer, Bull, Cow, or Calf, nor lay the same aboard any Ship or Vessel, unless it shall appear by Oath of the Owner, to be convey'd directly to some Tann-house or Smiths in the Country to be there wrought up.

V. The said Goods laden aboard contrary to this Act shall be forfeited, and a Penalty shall be paid by the Offender, for every pound of Wool, Wool-fells 40 *l.* of Tobacco. For every Skin, or Hide Tann'd or Untann'd 150 *l.* of Tobacco; for every pound of Iron 10 *l.* of Tobacco.

VI. Also the Owner of such Ship or Vessel, knowing such Offence, shall forfeit the same, with all the Apparel and Furniture. The Mariners, knowing such Offence, shall forfeit all their Goods and Chattels, and have Imprisonment for 6 Months. One Moity of which Forfeitures shall be to the King, the other to him that shall sue for the same.

VII. No Person to be impeached for any Offence aforesaid unless within 2 Years next after the Offence committed.

VIII. Any Person may Seize, and the Seizer shall have the Moity.

IX. Any Person selling any of the said Goods to any Merchant, not being an Inhabitant of this Country, and thereof lawfully convict, shall forfeit for every Hide, Skin, *&c.* 100 *l.* of Tobacco, for every pound of Wool 20 *l.* of Tobacco, and for every pound of Iron 5 *l.* of Tobacco so sold. One half to the King, the other to the Prosecutor.

X. Justices of the Peace upon notice given, and all Sheriffs, Constables, *&c.* shall be assisting in the Seizures. Any such Officer neglecting or refusing so to do, shall forfeit 3000 *l.* of Tobacco and Cask.

XI. No Person sued or impleaded for the Breach of this Act shall be sued, upon any Law heretofore made or provided for the same purpose.

XII. This Act to continue in force to the 10 of *Novem.* in the year 1685, and from thence to the end of the next Session of Assembly.

Highways.

I. *An.* 1662. *Ch.* 79. The Justices shall yearly in *October* Court appoint Surveyors of the Highways, who shall lay out convenient Ways to the Church, the Court, *James Town*, and from County to County, 40 foot broad, and Bridges where occasion.

II. The ways thus made shall be kept clear from Logs, and Bridges in good repair. To this purpose one or more out of every Family shall be sent, to help and assist the Surveyors, upon such days as they shall appoint: Under the Penalties of 500 *l.* of Tobacco.

III. To fell trees upon the Highway, or enclose any Part of the same, shall be presented as a Common Nuisance, and the Offender fined 1000 *l.* of Tobacco to the use of the Country.

IV. Where a Bridge divides two Counties, both Counties shall contribute to it.

V. *Anno* 1667. *Ch.* 4. Every Person having a Plantation, shall in the most convenient Place, make a Gate in the Fence for the Convenience of Passage both for Man and Horse to his house.

Holy Days and Fasting Days.

I. *Anno* 1662. *Ch.* 10. The 30 of *January*, being the day whereon King *Charles* 1. was bloudily massacred, shall be annually solemnized with fasting and Prayers.

II. *Ch.* 11. The 29th Day of *May*, being the Day of the Birth and happy Restitution of King *Charles* the second shall be annually celebrated as an Holy Day.

III.

III. *Anno* 1663. *Ch.* 14. The 13th of *September*, being the Day when a Villainous Plot and Conspiracy would have brought inevitable Ruin upon this Country, had not God prevented it, shall be annually kept holy.

IV. *An.* 1668. *Ch.* 1. The 27 of *August* appointed for a Day of Humiliation, Fasting, and Prayer, to implore Gods mercy. If any Person be found upon that Day Gaming, Drinking, or Working (Works of necessity excepted) upon presentment by the Church-Wardens, and Proof, he shall be fined 100 *l.* of Tobacco, half to the Informer, and half to the Poor of the Parish.

I.

Impositions and Duties, vid. Taxes.

I. ANno 1662. *Ch.* 128. An Imposition of 2 *s.* laid upon every Hogshead of Tobacco that shall be exported; for the payment of which the Master of every Ship or Vessel coming to Trade in *Virginia* shall give Security, and all Freighters to be accountable to the said Master for the Tobacco by them Shipt.

II. An Account of the Freight shall be given to the Collector upon Oath, if he sees cause to require it.

III. Every Master concealing any part of his Freight shall forfeit 100 *l.* sterling, one Moity to the Informer, the other to the Publick.

IV. Every Master passing Bills of Exchange for this Imposition, shall give sufficient Caution for the true and good payment of the same.

V. Ten *per Cent.* allowed to the Collectors for collecting this Imposition.

VI. *Ch.*129. Every Planter in the Counties of *Northumberland*, and *Westmorland*, shall certify to the Collector, or his Deputy, the number of Hogsheads of Tobacco made by his Family, and to whom sold, and suffer none to be carryed out of his House, till the Imposition has been paid for it, under the Penalty of 20 *s.* Fine for every Hogshead so carryed away.

VII.

VII. This Act to be in force also in the Counties of Lower *Norfolk*, and *Northampton*. Repealed. *vid.* Repeal. *Seſſ.* 2.

VIII. *Ch.* 130. 3 Pence *per* Hogſhead ſhall be paid for Fort Duties in *Potomack*, *Accomack*, and *Lyn* Haven, by the Planters loading Tobacco in thoſe places.

IX. *Ch.* 131. All Merchants, Maſters of Ships, *&c.* (except Inhabitants of this Country trading in Bottoms belonging to *Virginia* Owners) not bound by Charter parts to return and diſcharge in any part of the Engliſh Dominions in *Europe*, ſhall pay for every Hogſhead they ſhall Load above 10 *s.* in Money, or Bills of Exchange with good Caution, *&c.*

X. *Ch.* 132. All Maſters of Ships coming to *Point-Comfort* ſhall make a true Entry of the Burden of their Veſſels, and number of Paſſengers, and pay for Caſtle Duties, either half a pound of Powder, and three pound of Leaden Shot (or 1 *s.* in money) *per* Tun, and 6 *d.* *per* Poll for every Perſon imported, not being a Mariner. If a falſe Entry be made he ſhall pay treble Duties.

Impreſs.

I. *An.* 1677. *Ch.* 8. No Perſon ſhall hereafter under pretence of any Power or War whatſoever, impreſs Timber for publick uſe or other purpoſe whatſoever, from any Mans Land, without firſt agreeing with the Owner for the Price, and giving ſufficient Caution for the Payment upon Penalty of paying for each Timber Tree otherwiſe taken than aforeſaid 5 *l.* ſterling. If the Owner be unreaſonable in his Demands, the Valuation ſhall be made by two good Men of the Neighbourhood upon Oath.

II. No Perſon whatſoever ſhall preſume to impreſs any Sloop, Boat, Veſſel, Horſe, Cart, Arms, Proviſion, Goods or Merchandize whatſoever, without ſhewing a ſufficient Warrant.

III. Such things as aboveſaid being impreſt by ſufficient Warrant, ſhall be appraiſed by two of the ableſt of the Neighbourhood, to the full Value; the Value of the Hire thereof by the Day, or Month; and Inſtruments or Writings ſhall be drawn expreſſing the ſame. Which

ſhall

ſhall be paid, if it be for the uſe of the County, out of the County Levy; But if for the Publick uſe, ſatisfaction ſhall be made at the next Aſſembly.

IV. If any man be Impreſt, his wages ſhall be between the 10 of *Sept.* and the 10 of *Mar.* 10 *l.* of Tobacco *per* Day, or 200 *l.* of Tobacco *per* Month, and between 10 *Mar.* and 10 *Sept.* 15 *l.* of Tobacco *per* Day, or 300 *l.* of Tobacco *per* Month.

V. The Rates for impreſt Horſes ſhall be to the Owner for every Horſe 15 *l.* of Tobacco *per* Day for the firſt 20 Days, and 10 *l.* of Tobacco *per* day afterwards.

VI. If the Horſe be killed in the Service it ſhall be in the Owners choice to receive either the Value of the Beaſt, or the Wages of his Hire.

Indians.

I. *Anno* 1662. *Ch.* 136. No Engliſh Man ſhall for any Conſideration whatſoever purchaſe or buy any tract or parcel of Land now juſtly claim'd or actually poſſeſt by any *Indian.* And whoſoever ſhall defraud or take from any of the *Indians*, their Goods, or injure their perſons, ſhall make ſuch ſatisfaction, and ſuffer ſuch puniſhment, as if the ſame had been done to an Engliſhman.

II. Engliſh ſeated within 3 miles of *Indians*, ſhall help the *Indians* to fence in a Corn field ſufficient for the ſaid *Indians*, and after the ſaid Fence once made, the *Indians* ſhall keep it in repair, or ſuffer the Damages of the Engliſh Cattel (if any happen) at their own loſs.

III. Poor *Indians* applying themſelves to two Juſtices of the County neighbouring to them, ſhall have Licence to Oyſter, and Fiſh, and gather Wild-fruits, provided they come not armed.

IV. No Perſon whatſoever ſhall buy, take or receive any Commodity whatſoever from an *Indian*, without Licence, from the Governour.

V. If any difference in matters of Trade ariſe between an *Indian* and a Commiſſionated Trader, it ſhall be refer'd to the Governour or ſuch as he ſhall appoint, to determine.

VI. No Perſon of what quality ſo ever ſhall preſume to impriſon an *Indian* King, without ſpecial Warrant from the Governour and two of the Council.

VII.

VII. Commiſſioners ſhall be appointed to go to the *Indian* Towns and proclaim this Act, and ſettle the Bounds betwixt them and us, which are to be viewed annually, and care taken that no Intrenchment be henceforth made upon the *Indians*.

VIII. No *Indians* ſhall come into the Engliſh Bounds without a Badge in their Company to ſhew what King they belong to, and if any Damage or Injuries be done by any of them to any Engliſhman, then the King or great Man of the Place the Badge denotes ſhall be anſwereble for it. If any Engliſhman ſhall be found to have taken away any of their Badges thereby to make the *Indians* guilty of breaking this Law, he ſhall be ſet in the Pillory two Hours, and pay a Fine of 5000 *l.* of Tobacco, or ſix Months impriſonment.

IX. All *Indian* Kings Tributary to the Engliſh, when they have the leaſt notice of any March by any ſtrange *Indians* near our *Quarters*, ſhall repair themſelves, or ſend ſome one of their great Men, to acquaint the next of the Militia with as much as they know concerning the Nation and Numbers of the Enemy, and if they deſire any Aid from us, a Party ſhall be ſent forth preſently by the Colonel of the Militia, for that purpoſe.

X. If any Engliſhman ſhall inveigle or entertain any Runaway *Indian*, he ſhall forfeit as much *per* Day for keeping him as by the Law is recoverable for any other Runaway.

XI. No *Indian* Servants ſhall be ſold for Slaves, nor for any other time than Engliſh of the like Ages ſhould ſerve.

XII. No Perſon of what Quality ſoever ſhall entertain any of the neighbouring *Indians*, without Licence from the Governour.

XIII. *Anno* 1663. *Ch.* 4. For an Engliſhman to entertain an *Indian* or *Indians* of any Nation, not having a Badge according to Law, he ſhall incur the ſame Penalty, as the Law impoſeth upon the *Indian* for ſuch illegal coming in.

XIV. *Anno* 1665. *Ch.* 3. The ſale of Arms to the *Indians* ſhall be wholly prohibited, and whoſoever ſhall ſell or barter Powder, Shot, Guns, or Ammunition to any *Indian*, ſhall be fined 10000 *l.* of Tobacco, or ſuffer two Years Impriſonment for the firſt Offence, and for the ſecond be proſecuted as a Felon.

XV. *Ch.* 8. Where any Englishman is murder'd by any *Indians*, the next *Indian* Town shall be answerable for it with their Lives and Liberties.

XVI. The Weromance, or chief Commander of the *Indians*, shall not be chosen by themselves; but the Governour shall appoint such persons in whose Fidelity he can best confide, to be Commander of the *Indian* Towns: and in case the *Indians* shall refuse their Obedience to, or murder such person, then that Nation of *Indians* shall be accounted Enemies and Rebels, and be proceeded against accordingly.

XVII. No person shall harbour, entertain, or employ any *Indian*, unless he gives sufficient Security to the County Court, and thereupon obtains the Governour's Licence, under the penalty of 5000 *l.* of Tobacco, or one Years Imprisonment.

XVIII. The Bounds of the *Indians* on the South-side of *James* River, shall be from the Southern Branches of the *Black Water*, and thence in a continued Line to the *Monakin* Town.

XIX. *Anno* 1670. *Ch.* 5. No *Indian*, or Negro, tho' baptized and enjoying their own Freedom, shall be capable to purchase any Christian; but yet not debarr'd from buying any of their own Nation.

XX. *Anno* 1671. *Ch.* 5. *Indians* may come into *Henrico* County about their lawful occasions; and a Law to the contrary repeal'd, provided they be no where entertain'd but by Licence from the Governour.

XXI. *Anno* 1674. *Ch.* 4. *Indian* proof, as well as other proof, shall for the future be good to convict other *Indians* of Hog-stealing. And such *Indians* as keep Hogs shall mark them with such Mark as shall be appointed by the adjacent Counties.

XXII *Anno* 1677. *Ch.* 3. All *Indians* in amity with us shall from henceforth have free liberty to come among us, and bring any Commodities, and to trade, sell, and truck for the same with the English, at such times and places as hereby exprest, and not elsewhere; *viz.* The publick Marts and Fairs for *James* River, to begin the 1st of *April* and 1st of *Sept.* yearly. The Marts for the South-side of *James* River, to be at the *Isle of Wight* County Court House, and begin the 10th of *May* and 10th of *Novemb.* yearly. The Mart for *York* River to be in *New Kent* County, to begin the 10th of *April* and 10th

of

of *Sept.* yearly. The Mart for *Rappahannack* River, on the 20th of *April* and 20th of *Sept.* yearly. The Mart for *Potomack* River in *Stafford* County, on the 30th of *April* and 30th of *Sept.* The Mart in *Accomack* County, the 10th of *March* and 10th of *Sept.* The Mart in *Northampton* County, to begin on the 10th of *May* and 10th of *November.* If any of theſe Days fall on a Sunday, then the next day following. Theſe Marts to laſt for 20 days, and no longer.

XXIII. He that trades with any *Indian* at any other time or place ſhall forfeit 5000 *l.* of Tobacco, half to the Informer, and half to the Publick.

XXIV. All things bought, ſold, or trucked at ſuch Marts ſhall be regiſtred, and the Clerk may take for his Fee, one 20th part of all *Indian* Commodities there ſold, &c.

XXV. The *Indians* living in *Northumberland*, and *Glouceſter* Counties, ſhall have ſuch Liberty and Rules of Trading as ſhall be ſet and allow'd by the County Courts there.

XXVI. No *Indians* meeting at any of the ſaid Marts ſhall travel with, or carry Arms, except only the carrying home of ſuch Arms as they ſhall purchaſe, and ſhall be regiſtred in the Clerks Book.

XXVII. No Perſon ſhall be hindred from entertaining *Indians* in his Houſe, that hath the Governours Licence ſo to do.

XXVIII. *Anno* 1680. *Ch.* 8. All Acts prohibiting trading with *Indians* repeal'd ; And for the future there ſhall be a free and open Trade for all Perſons at all Times and Places, with our friendly *Indians.* This Act to continue in force till the end of the next Seſſions of Aſſembly.

XXIX. *Ch.* 14. The Act of 1665. *Ch.* 8. (*Sup. Seſſ.* 15.) reviewed and reinforced.

XXX. *Anno* 1682. *Ch.* 1. The Act of 1670. *Ch.* 12. Concerning Slaves repealed. All *Indian* Slaves, and others, whether Negroes, Moors, Mulattos, brought into this Country by Sea or Land, whoſe Parents and native Country were not Chriſtian, and who at the firſt purchaſe were Infidels, tho after converted to the Chriſtian Faith, ſhall notwithſtanding continue Slaves ſtill.

XXXI. *Ch.* 2. All *Indian* Women Servants are and ſhall be Tythable, and ought to pay Levies in like man-

ner as Negro Women brought into this Country, do and ought to pay.

Informers.

Anno. 1663, *Ch.* 9. Half of all Fines incurred by any Person offending against any penal Law, shall be confer'd on the Informer and Discoverer of any such Offences.

Interpreters.

I. *An.* 1662. *Ch.* 138. *Thomas Flood*, and *Henry Newcomb* made Interpreters; the last for the *Norwood.*

Juries.

I. *Anno* 1662. *Ch.* 37. Every Morning that any Court Sits, the Sheriff of the County shall impannel a Jury to attend the Court that Day to try such Causes as the Court shall refer to them. And when any Jury is sent out, an Officer sworn to that purpose shall keep them from Meat and Drink till agreed on their Verdict.

II. *Ch.* 38. Juries of Inquest shall be impannell'd and sworn in every County, to enquire of the Breach of all penal Laws and make Presentment thereof to the General County Courts, in *April* and *December* yearly: and the Justices to proceed thereupon.

III. *An.* 1677. *Ch.* 1. Justices of Peace of every County, neglecting once a Year before the last of *April*, to swear a Jury of Inquest, shall be fined 2000 *l.* of Tobacco. And every such Jury Man not appearing at the time appointed in the Law, or not making Inquest and Presentment, shall be fined for every such default 200 *l.* of Tobacco.

Justices.

An. 1666. *Sess.* 2. *Ch.* 19. No Justices of the Peace shall receive of any Person any Fee for any Cause or matter brought before him, or determined by him.

K.

King.

ANno 1674. *Ch.* 1. The Grand Assembly having thought fit that an humble Addreſs and Supplication be made to the King in the name of this his Majeſty's moſt loyal Colony, that his Majeſty would pleaſe to revoke certain Grants very much to the prejudice and oppreſſion of this Colony, and confirm our Liberties, Rights and Properties formerly granted by his Majeſty's Charter, and certain Gentlemen being deſir'd to negotiate this and other Publick Affairs of this Country, in *England*; Levies are appointed for raiſing a Sum of Money throughout all the Country, to defray the neceſſary Charges: namely 50 *l.* of Tobacco from every Tythable Perſon within this Colony, *&c.* Alſo 70 *l.* of Tobacco in the General Court, and 50 *l.* in the County Court, *per* Cauſe, to be amerced in the name of Penalty upon every Perſon that ſhall be caſt in any Suit, *&c.* Except Orphans.

L.

Law-Books.

ANno 1666. *Seſſ.* 2. *Ch.* 22. All the Statute-Books, *Daltons Juſtice of Peace*, and *Office of Sheriff*, and *Swinburn* of *Wills* and *Teſtaments*, ſhall be ſent for by Mr. *Auditor*, and paid for out of the 2 *s. per* Hogſhead, and the like Books ſent for by ſome of the Commiſſioners for the uſe of the County-Courts, and paid for out of the County Levy.

Letters.

I. *An.* 1662. *Ch.* 90. All Letters Superscribed for the use of his Majesty, or the Publick, shall be immediately convey'd from Plantation to Plantation, and so to the Place and Person as directed, under the Penalty of 350 *l.* of Tobacco for every Default. If any Person be hereby put to extraordinary Charge the County Court shall Levy payment for the same.

Levies, vid. Taxes.

Limitation.

I. *An.* 1662. *Ch.* 81. No Bills or Bonds shall be in force or recoverable 5 years after the date of the same.

II. No Judgment shall be of Force 7 Years after the Grant thereof. But if the Debtor shall depart the Country and leave no Attorney to answer for him, or conceal himself, such time of Absence or Concealment, shall not be accounted any part of the Years.

III. *Anno* 1672. *Ch.* 4. Accounts shall not be pleadable after 3 Years by any Person living in this Country, nor after 5 Years by any Person that shall claim Accounts out of this Country. Except out of this Act Accounts against dead Mens Estates.

IV. *Ch.* 10. Account upon Notes, must be brought within 12 Months after the Debtor's decease.

V. *Anno* 1677. *Ch.* 11. The last Year, 1676 (being the Year of the Rebellion in *Virginia*, by reason of which all Judicial Proceedings were hindred) shall not be accounted as one Year included or meant within the Statute of Limitation for payment of Debts upon Bond, or Judgments. Or in the Patents for Sealing of Lands, but the said Year shall be past by.

M.

M.

Manufactures, vid. Trade.

Marriage.

I. *ANno* 1662. *Ch.* 12. No Marriage ſhall be reputed Valid in Law but ſuch as is made by the Miniſter according to the Laws of *England*. And no Miniſter ſhall marry any Perſon without Licence from the Governour or his Deputy, or thrice Publication of Bans according to the Rubrick in the Common-Prayer Book. The Miniſter that doth contrary to this Act ſhall be fined 10000 *l.* of Tobacco.

II. Any Marriage made by other than a Miniſter, ſhall be reputed null, their Children illegitimate, and the Parents puniſhable as for Fornication.

III. *Ch.* 99. No Miniſter ſhall either publiſh the Bans, or celebrate the Contract of Marriage between any Servants unleſs he hath a Certificate from both their Maſters that it is with their Conſent, under the Penalty of 10000 *l.* of Tobacco.

IV. And the Servants that procure themſelves to be married without their Maſters conſent, ſhall each of them ſerve their reſpective Maſter a Year longer than their time; and if any Perſon being free ſhall marry with a Servant without the Maſters Licence, he or ſhe ſo marrying ſhall pay the Maſter 1500 *l.* of Tobacco or one years Service.

V. *Anno* 1662. *Ch.* 17. All Perſons that take Licences for Marriage ſhall repair to the County Clerk, and there give Bond with Security that there is no lawful cauſe to obſtruct the Marriage, whereupon the Clerk ſhall write the Licence, and Certify to the firſt in Commiſſion for that County, that he hath taken Bond, who ſhall then ſign the Licence, and direct it to the Miniſter.

VI. The Fees for Licences ſhall be, to the Governour 200 *l.* of Tobacco or 20 *s.* to the Clerk, 50 *l.* of Tobac-

co, to the Secretary 40 *l.* of Tobacco, to the Minister for marrying with Licence 200 *l.* of Tobacco or 20 *s.* But if by Bans 50 *l.* of Tobacco or 5 *s.*

VII. *An.* 1670. *Ch.* 6. The County Clerk where the Maid to be marryed, her Parents, or Guardian, dwell, and not the Clerk of any other County, shall grant the Certificates of Marriage, but no such Certificates shall be shall be granted without the Personal Consent of the Parent, or Guardian, under Penalty of Forfeiting his Place.

Marshes.

An. 1672. *Ch.* 9. No Person whatsoever shall take up any Marshes, Swamps, or sunken Lands, adjoyning to any Mans Land, but shall first give notice to the owner of the Land adjoyning, who shall have a Years time to resolve whether he will take up the same or no, and in case he shall at the Years end refuse to Survey and Patent the same, then the first Person who gave notice may Survey and Patent the said Marsh according to Law.

Militia.

I. *Anno* 1666. *Sess.* 2. *Ch.* 23. Every Person neglecting to appear at the Days of Exercising the Militia, shall be fined 100 *l.* of Tobacco, to be disposed for the use of the Regiment, unless the Party can shew a Reasonable cause of Absence.

II. *Anno* 1679. *Ch.* 1. For preventing the frequent incursions of the *Indians*, and for the future Security of the Country, four Houses of Stores or Garrisons, shall be built at the Heads of the four great Rivers, *viz. Potomack-River*, *Rappahannock-River*, *Mattapony*, and *James River*, to be built and paid for at the Publick charge.

III. Every 40 Tythables shall be assest and obliged to set forth one able Man and Horse compleatly armed, with two pound of Powder, and 10 pound of Bullet, or high Swan-shot, and also provide and send up to the said Store-houses four Months Provision for such Man and Horse, and so to supply him.

IV. The Justices and Militia Officers in every County shall proportion and divide their Counties into forties, and

if any ſuch 40 Tythables neglect or refuſe to ſend in ſuch Man, Horſe, and Proviſions as aforeſaid, the ſaid Juſtices and Officers ſhall impreſs the ſame, and levy the Charges upon the Delinquent Tythables.

V. The pay of each private Soldier, or Trooper ſhall be for his own Perſonal Service after the Rate of 200 *l.* of Tobacco and Cask *per* Month, and for a Horſe, 80 *l.* of Tobacco and Cask *per* Month.

VI. Troopers or Horſes dying or diſabled in Service, or Armies loſt, broken, or ſpoiled, and the 40 Tythables not ſupplying others, the foreſaid Juſtices, *&c.* ſhall impreſs others, *&c.* unleſs loſt in the Country's Service.

VII. A Captains pay ſhall be 1200 *l.* of Tobacco and Cask *per* Month, he finding himſelf Horſe, Arms, and Proviſion. A Lieutenants pay 850 *l.* of Tobacco and Cask *per* Month; the Cornets 600 *l.* of Tobacco and Cask *per* Month; and the Chirurgeons 850 *l.* of Tobacco and Cask *per* Month. All theſe Officers finding themſelves Horſe, Arms, *&c.* and a Horſe killed in Service ſhall be paid for by the Publick.

VIII. A Box of Medicines ſhall be bought or impreſt to the value of 5 *l.* ſterling and paid for by the next Collector of the 2 *s. per* Hogſhead, which ſhall be allow'd him in his Accounts.

IX. A Corporal, and a Trumpets pay ſhall be 50 *l.* of Tobacco over and above a private Soldiers pay.

X. The Soldiers raiſed in each reſpective County by this Act are to repair to the ſeveral and reſpective Garriſons appointed them on or before the 20th Day of *June* next.

XI. Every Soldier is enjoyned to be aſſiſtant in building the Guard Houſes, and fencing Paſture for their Horſes, *&c.*

XII. A Boat and Oars ſufficient to paſs over 3 or 4 Horſes at a time, ſhall be provided for the uſe of each Garriſon, to be paid for by the Publick.

XIII. Four of the Neighbouring *Indians* to each Garriſon ſhall be Commanded, or hired by the Commander in chief, to be always attending at the ſaid Garriſon.

XIV. Friendly *Indians*, that they may be better known and diſtinguiſhed from Enemies are to have notice, that if they meet any of our Soldiers in the Woods, or near our Plantations, that they do not fly, or hide themſelves, but ſtand peaceably and diſcourſe the Engliſh, and upon

their near approach lay down their Arms, and no harm ſhall be offer'd them.

XV. Ten long Guns or Muſquets, with one Barrel of Gun-powder, and Bullet proportionable, ſhall be kept in each Garriſon, as a Reſerve and Defence for the ſame.

XVI. The Inhabitants of the Eaſtern Shoar have the ſame Liberty to raiſe Garriſons and Soldiers in the ſame manner and form as is allow'd to the ſeveral Counties on the Weſtern Shoar, as they find Occaſion.

XVII. The like may be done by the ſeveral Aſſociations on the South-ſide of *James*-River.

XVIII. What *Indian* Priſoners or Plunder ſhall be taken in War, ſhall be free purchaſe to the Soldier that takes the ſame; and if any difference happen among the Soldiers herein, the Commander in chief ſhall decide it. Soldiers diſabled in Service ſhall have annual Penſions from the Publick.

Millers and Mills.

I. *Anno* 1662. *Ch.* 121. Millers ſhall provide Statute Weights and Scales, by which they are to receive in and deliver out all grain, and not receive for the grinding thereof, or changing it for Meal, above the Sixth part thereof for Toll, under the Penalty of 1000 *l.* of Tobacco.

II. *Anno* 1666. *Seſſ.* 2. *Ch.* 16. Maſter, Owner, or Leſſee, refuſing to grind according to Tourne, for the Toll ſet and appointed by Act, ſhall be fined 1000 *l.* of Tobacco, to be recovered by the Party Injured, by Action of Debt in the County Court.

III. 1667. *Ch.* 3. Where any Perſon is minded to erect a Mill or Mills, for Publick Good, and is not permitted by the perverſneſs of his Neighbour, two Commiſſioners appointed by the County-Court, may view the Place, and value the Land, and put the Builder in Poſſeſſion of it, he paying what the Land is valued at; not taking away any Houſing or Orchards. The like Liberty ſhall be granted for 2 Acres of Land, and no more, for erecting Churches or Court Houſes.

IV. *Anno* 1671. *Ch.* 1. No Miller ſhall take for grinding of *Engliſh* Grain, more than an 8th part, and for *Indian* Corn no more than a 6th part under the Penalty appointed by the Act of 1666.

Ministers.

I. *Anno* 1662. *Ch.* 3. Glebe ſhall be laid out in every Pariſh, and a Convenient Houſe built for the Miniſter, and ſuch Proviſion made for his Maintenance in the valuable and Current Commodities of this Country, as may be really worth 80 *l. per An.* beſides his Perquiſites and Glebe. *viz.* if in Tobacco, at 12 *s. per* Hundred, in Corn 10 *s. per* Barrel, if in Bills of Enchange, Security for the certain Payment, and in caſe of Proteſt he ſhall recover 50 *per Cent.* Damages.

II. *Ch.* 4. No Miniſter ſhall be admitted to Officiate in this Country unleſs he produce to the Governor a Teſtimonial that he hath received Ordination from ſome Biſhop in *England*, and ſhall ſubſcribe to be conformable to the Conſtitutions of the *Ch.* of *England*, upon which the Governor ſhall induct the ſaid Miniſter into any Pariſh to which he ſhall be preſented. Any that ſhall preſume to Preach, not being thus qualifyed ſhall be ſuſpended, and in caſe of obſtinacy compell'd to depart the Country.

III. *Ch.* 5. Every Pariſh not having a Miniſter to officiate every Sunday, ſhall have a Grave and Sober Perſon to read Divine Service every intervening Sunday at the Pariſh Church, when the Miniſter Preacheth at any other Place.

IV. *Ch.* 8. The Miniſter of every Pariſh, ſhall preach conſtantly, *viz.* one Sunday in a Month at each Chapel of eaſe in his Pariſh, if any, and the other at his Pariſh Church. And adminiſter the Sacrament at leaſt twice a Year.

V. *Ch.* 16. The Miniſter or Reader of every Pariſh, ſhall truly regiſter all Births, Burials, and Marriages within his Pariſh in a Book provided by the Veſtry for that purpoſe. And every perſon concern'd who neglects to give notice of the Birth, *&c.* Shall be fined 100 *l.* of Tobacco. The Miniſters Fee for ſuch Entry ſhall be 3. *l.* of Tobacco. And if he neglect Entring he ſhall be fined 500 *l.* of Tobacco.

Money.

I. *An.* 1662. *Ch.* 116. No false Money shall pass Currant in this Country, but pieces of eight that are good and Silver shall pass Currant for 5 *s.*

II. None shall export Money out of this Country, above the Sum of 40 Shillings, under the Penalty of forfeiting Double.

Mulattos.

An. 1662. *Seff.* 2. *Ch.* 12. Children got by an Englishman upon a Negro Woman, shall be Slaves or Free according to the Condition of the Mother. If any Christian commits Fornication with a Negro Man or Woman, he or she so offending shall pay double the Fine impos'd on Fornication.

N.

Naturalization.

I. *ANno* 1680. *Ch.* 2. The Governour or Commander in chief of this Colony, and his Successors, may by a Publick Instrument under the Broad Seal thereof, declare any Aliens or Foreigners already settled or Inhabitants, here, or such as shall inhabit here, having taken the Oath of Allegiance, to be to all intents and purposes naturalized. And such Persons shall have and enjoy to them and their Heirs the same Immunities and Rights as the natural Born Subjects of this Colony.

II. For which Instrument of Naturalization, the Governour shall receive 40 *s.* and his Clerk for writing it, 10 *s.* and no more.

III.

III. All Sales heretofore made by Aliens of any Lands or Tenements in this Colony, to the preſent Inhabitants, are ſecured and confirmed to them.

IV. Nothing in this Act ſhall privilege any Foreigner to do or execute any thing, which by the Acts made in *England* concerning his Majeſtys Plantations, he is diſabled to do.

Negroes.

I. *Anno* 1668. *Ch.* 7. Negro Women, though ſet free, ought not in all reſpects to enjoy the full immunities of the Engliſh, and are therefore ſtill lyable to the Payment of Taxes.

II. *Anno* 1671. *Ch.* 4. County Courts are impower'd either to cauſe the Negroes belonging to Orphans to be duly apprized and ſold at an Outcry, or preſerved in Kind, as they ſhall find moſt expedient for the advantage and improvement of the Orphans Eſtate and Intereſt.

III. *An.* 1680. *Ch.* 7. All Negro Children imported or to be imported into this Colony, ſhall be, within three Months after their arrival, brought to the County Court, where their Ages ſhall be judged and recorded, and ſuch Negro, or other, Slave, ſhall not be accounted Tythable till he attains the Age of 12 Years.

IV. No Chriſtian Servants imported ſhall be Tythable before they attain to the Age of 14 Years.

V. *Ch.* 10. It ſhall not be lawful for any Negro, or other Slave, to carry, or arm himſelf with any Club, Staff, Gun, Sword, or Weapon of Defence or Offence, nor to go from off his Maſters Ground without a Certificate from Maſter, Miſtreſs, or Overſeer, under the Penalty of 20 Laſhes by the next Conſtable.

VI. If any Negro or other Slave ſhall lift up his hand in Oppoſition againſt any Chriſtian, upon due Proof by Oath of the Party, he ſhall have 30 Laſhes, on the bare Back well laid on.

VII. If any Negro, *&c.* ſhall hide himſelf from his Maſters Service, committing Injuries, and ſhall reſiſt any Perſon or Perſons that come by lawful Authority to apprehend him, it ſhall be lawful for ſuch Perſon or Perſons to kill the ſaid Negro, or Slave.

VIII. This Law ſhall be every ſix Months publiſhed in the County Courts, and Pariſh Churches.

IX. *Anno* 1682. *Ch.* 3. A true Copy of the last mention'd Act shall be enter'd in the Register Book of every Parish in this Country, and the Minister shall yearly in *March* and *September*, read it and this present Act, on a Sunday in time of Divine Service, under the Penalty of 600 *l.* of Tobacco.

X. No Master or Overseer shall suffer any Negro or other Slave, (without leave of his Master) to remain or be upon his Plantation above the space of 4 Hours at any one time, upon pain of forfeiting 200 *l.* of Tobacco in Cask.

News.

Anno 1662. *Ch.* 91. Who ever shall forge or divulge any false News and Reports tending to the Trouble of the Country, he shall, by the next Justice of the Peace, be bound over to the next County Court, where if he produce not his Author, he shall be fined 2000 *l.* of Tobacco and give Bond for his Behaviour, if the Court think fit.

O.

Ordnary-Keepers and Tipling Houses.

I. *An.* 1662. *Ch.* 97. None shall sell by retail, any Wine, Beer, or other strong drink, by any measures but English seal'd Measures of Pints, Quarts, Pottles, and Gallons, and every Ordnary-keeper shall provide such Measures to sell by in his House, or be put down, and fined 5000 *l.* of Tobacco to the use of the publick.

II. None shall retail drink but such as shall obtain a Licence, and give Bond according to the Laws of *England*, and sell at the Rates set by the Commissioners, and pay annually to the Governour 350 *l.* of Tobacco and Cask for his Licence.

III. *Anno* 1668. *Ch.* 9. The Commiſſioners of each County Court ſhall take care to ſuppreſs the exorbitant Numbers of Ordnaries and Tipling Houſes in their reſpective Counties, and not permit more than one or two, near the Court Houſe, unleſs in publick Places and great Roads, where neceſſary for the Accommodation of Travellers.

IV. All Perſons keeping Tipling Houſes without Licence, ſhall be fined 2000 *l.* of Tobacco, half to the County and half to the Informer.

V. *Anno* 1676. *Ch.* 10. There ſhall not be admitted, or licenced, above 2 Ordnaries in any one County at one time, except in that County where the General Court ſhall be held.

VI. None ſhall be licenced to keep Ordnaries but ſuch as ſhall enter into ſufficient Bond to provide for Travellers good Dyet, Lodging, and Horſe-meat, and will ſell their Proviſions and Liquors according to the Rates and Prizes ſet down and allow'd by Law. The price of Lodging ſhall be 3 *l.* of Tobacco for one Night, for Dyet where the General Court of Aſſembly is held, 12 *l.* of Tobacco each Meal for the Maſter, and 8 *l.* for the Servant; for Horſe Graſs 6 *l.* of Tobacco *per* Night and Day, Stabling 8 *l.* of Tobacco *per* Night and Day, *&c.* Ordnary-Keepers ſhall ſecure all Horſes committed to their Charge, at their Peril.

VII. Juſtices ſhall meet twice a Year, in *May* and *November* and ſet the Rates of all Liquors. And it ſhall be penal both to the Seller and Buyer, to receive or pay more than the allow'd Prizes.

Orphans.

I. *Anno* 1662. *Ch.* 66. If a Will be ſo made that no Perſon will undertake the managing the Eſtate or Education of the Orphans according to the Tenor of it, then the Eſtate ſhall be managed as follows.

II. The Orphan ſhall be educated and provided for out of the Intereſt and Income of the Eſtate and Stock, if it will bear it, otherwiſe ſuch Orphan ſhall be bound Apprentice to ſome handicraft Trade till 21 Years of Age, unleſs ſome Kinſman will maintain him for the Intereſt of his Eſtate without diminution of the Principal, which

whether

whether great or ſmall is always to be delivered to the Orphan when at Age.

III. All Cattle, Horſes, and Sheep, ſhall be return'd in kind by the Guardian, according to the Age and number when he received them.

IV. All Plate and Money ſhall be preſerved and delivered in kind according to the Weight and Quantity. But other Houſholdſtuff and Lumber ſhall be apprized in Money, and the value thereof paid by the Guardian to the Orphan when he comes to Age, in the Country Commodities at the price currant.

V. The Court is to take ſufficient Security for Orphans Eſtates, and enquire yearly of the Security, and if they ſee cauſe, to have it changed, called in, *&c.* Alſo to enquire how the Orphans are maintained, and whether educated according to their Eſtates; and if they ſee occaſion, to remove the Orphans to other Guardians. So for thoſe that are bound Apprentices. Guardians ſhall be allow'd for collecting the Orphans Debts, no more than 10 *per Cent.* the uſual allowance of Merchants to their Factors.

VI. Apprizers may be allow'd 30 *l.* of Tobacco *per* Day (if they will take it) and no more. No allowance to be made of Exceſſive Funeral Expences, which is to be proportion'd according to the Eſtate and Quality of the Perſon.

VII. *Ch.* 67. County Courts ſhall take care that the Lands in their County belonging to Orphans, be not ſold, or taken up as deſerted Land, during the Minority of the Orphan, nor that the Guardians let or farm out ſuch Land for any longer term than till the Orphan be of Age, and ſpecial Care be had that the Tenant improves the Plantation, and commits no Waſt of Timber, *&c.*

VIII. *Anno* 1672. *Ch.* 2. Where the County Courts cannot find Perſons that will take Orphans Eſtates according to the foreſaid Act of 1662. *Ch.* 66. the ſaid Courts may diſpoſe of ſuch Eſtates according to the beſt of their Judgment, and the Orphans advantage.

IX. *Anno* 1679. *Ch.* 7. Before any Adminiſtration be granted, good Security ſhall be taken for the Parties due Adminiſtration according to Law, and all Juſtices ſitting in Court when Adminiſtration is ſued for and granted, and neglecting to make Order for ſuch Security, ſhall for ſuch neglect be lyable to make good ſuch Eſtate in caſe the

the ſame be imbezelled. And all Juſtices are required before they ſign Letters of Adminiſtration, to ſee a Certificate from the Clerk that Security is given, and enter'd upon record, that ſo all Orphans may be ſecured in their Eſtates, and the Juſtices ſafe.

P.

Pardon.

I. ANno 1680. *Ch.* 1. All Treaſons, Miſpriſion of Treaſons, Murders, Felonies, Crimes, and Miſdemeanors, committed, counſelled or done by any Perſons whatſoever, on or before the 16 of *Jan.* 1676. other than the Perſons excepted, by virtue or Colour of any Power, Authority, Commiſſion, or Inſtructions from Sir *Will. Berkley* late Governour of *Virginia*, or of or from any perſon deriving or pretending to derive, mediately or immediately, any Commiſſion or Authority from the Grand Aſſembly in *Virginia* held in *June* 1676. or of or from *Nathanael Bacon*, deceaſed, aſſuming to himſelf the Authority of, or reputed to be, Commander in chief of all the Forces in *Virginia* by Land and Sea, are pardoned, releaſed, diſcharged, and put in utter Oblivion.

II. And all Perſons (except as after excepted) their Heirs, Executors, *&c.* that were engaged in acting, abetting, *&c.* the ſaid Rebellion, ſhall have and enjoy their Lands, Tenements, Goods, *&c.* forfeited to his Majeſty for any the Crimes aforeſaid, in the ſame manner and as freely as if they had not been forfeited, ſubject however to the payment of their juſt Debts.

III. Excepted out of this Act the foreſaid *Nathanael Bacon* Junior, the Principal Contriver and maintainer of the ſaid Rebellion, who having taken up Arms under pretence of an *Indian* War, aſſumed to himſelf the Title of General, and did afterwards chaſe away the then Governour, rob, kill and deſtroy ſeveral of his Majeſties Loyal Subjects, till the ſaid *Bacon* met with an infamous

and exemplary Death, which said *Bacon* is hereby attainted of High-Treason, and all his Estate Real and Personal of which he was seized 5 *June* 1676, or at any time after shall be forfeited to the King, *&c.*

IV. Excepted also, *Giles Bland, Anthony Arnold, Richard Turner, Richard Pomfrey, John Isles, Robert Stokes, John Whitson*, and *William Scarbrough*, all legally convicted, attainted and executed for their Treasons and Rebellions. Excepted also *Richard Lawrence* who fired *James City*, and is since fled.

V. If *Joseph Ingram, Gregory Walklate, Thomas Whaley, John Forth*, and *John Longolon*, shall at any time accept or exercise any Office or publick Imployment in *Virginia*, they shall stand as if totally excepted out of this Act.

VI. No Account, Suit or Process, shall be required, or prosecuted for any wrong or Injury committed, between the 1 Day of *May*, and the 16 of *Jan.* 1676. for which no Judgment hath been actually obtained before the 25 of *April* 1679. But goods taken away wrongfully between the abovesaid times may be sued for and recovered by lawful means.

VII. Christian Servants deserting their Masters and active in the said Rebellion, shall suffer no further Punishment, than that the time occurring between the 1 of *May* and 16 of *Jan.* shall be accounted no part of their Service.

VIII. No Proceedings in Law or Equity, had, made or done before the passing of this Act, shall be avoided by reason that the same was had, made, or done, by or before any Person not having legal Authority.

IX. Whosoever shall, after the passing of this Act, by writing, speaking, or otherwise, defame the Governour, or Commander in Chief of this Colony, he shall upon conviction, be imprisoned for one year without Bail or Mainprize, and incur a fine not exceeding 500 *l.* to the King. And whosoever in like manner defames any of the Kings Councellors, Judges, or Principal Officers, he shall suffer 3 Months Imprisonment, and incur a forfeiture not exceeding 100 *l.*

Passes:

Passes.

I. *Anno* 1662. *Ch.* 127. No Master of any Ship, Vessel, *&c.* shall transport any Person out of this Colon without a Pass under the Secretaries Hand, upon the Penalty of paying all such Debts as any such Person shall owe at his Departure, and 1000 *l.* of Tobacco to the Secretary.

II. All Persons before they have Passes shall set up their Names at the Monthly Court 10 Days at least before their Departure, or their Names publisht 2 Sundays in each Parish in the County, or otherwise they shall put in sufficient Security for payment of all Debts due from them to any Person in this Country:

Patents.

I. *Anno* 1677. *Ch.* 5. Where new Tracts of Land are added to former Patented Dividends, the Secretary may take as his due Fee, so many 80 pounds of Tobacco as their are several Tracts in such new Patent, but where several old Tracts of Land are drawn into one new Patent, and no new Lands not patented before, added, he shall not for his Fee, exceed 80 *l.* of Tobacco.

II. *Ch.* 9. All Patents shall for the future be drawn in the following Form and Words. *To all to whom,* &c. *I,* &c. *send,* &c. *Whereas his most sacred Majesty hath been graciously pleased by his Royal Letters Patents, under the Great Seal of* England, *bearing date at* Westminster *the* 10 *Day of* October *in the* 28 *Year of his Reign, among other things in his said Letters Patents contained, to continue and confirm the Ancient Privileges and Power of granting* 50 *Acres of Land for every Person imported into this his Majesties Colony of* Virginia, *now know ye that I the said,* &c. *do with the Consent of the Council of State, accordingly give and grant unto,* &c.

III. *Anno* 1666. *Sess.* 2. *Ch.* 21. Former Patents, tho' not Recorded, shall remain good and valid.

Pillories, &c.

Anno 1662. *Ch.* 39. The Court in every County shall cause to be set up near the Court house, a Pillory, a Pair of Stocks, a whipping Post, and a ducking Stool in such place as they shall think convenient; which not being set up within 6 Months after the date of this Act the said Court shall be fined 5000 *l.* of Tobacco.

Planting.

I. *Anno* 1664. *Ch.* 3. All Acts and Proclamations restraining planting the ensuing year, repealed.

II. *Anno* 1666. *Sess.* 2. *Ch.* 20. Building a House, and keeping a Stock one whole Year upon the Land, shall be accounted seating, and clearing, Planting and tending an Acre of Ground for one Year, shall be accounted planting, and after such planting or seating, and continuance to pay the Quit-Rents no land shall be adjudged to be deserted.

III. *Anno* 1676. *Ch.* 15. All Lands or Tracts of Land forsaken or uninhabited by reason of the Incursions of the *Indians*, and the late Troubles and Distractions among us, shall not lie desert by want of due seating and planting such Lands in less than 7 Years. And 7 Years time shall be allow'd from the date of this Act for the seating and planting such Lands as are already taken and patented in the frontier Counties of this Colony.

Possession.

I. *Anno* 1662. *Ch.* 72. Five years peaceable Possession and Enjoyment shall be a good Plea in Bar, for the Possessor of Land claimed, Proof whereof shall be a sufficient Confirmation to the Possessor.

II. This Limitation of 5 Years shall not bar Orphans, Femes Covert, Persons out of the Country, nor Persons of unsound Minds, in case they make their Claims within 5 Years after their impediment removed. Except Persons absent who are to come into this Country within two Years after their Title accrues, and after their arrival they have five Years.

Prisons.

I. *Anno* 1662. *Ch.* 42. A good strong Prison after the from of *Virginia* Houses shall be built, by the Court at the Charge of the County, in every County: upon penalty of being fined 5000 *l.* of Tobacco and being answerable for Escapes.

II. Every Person breaking Prison, shall be adjudged a Felon. And no Person under Execution for Debt, or in Prison for Felony shall have the benefit of the Rules. Such as have the Benefit of the Rules, shall lie in Prison every night at the peril of the Sheriff.

III. *Ch.* 43. Persons dwelling within the Rules of any Prison, being by order of Law committed to Prison, shall not be permitted to walk out of the Prison, or lodge in their own House. Upon proof whereof at the County Court, the Sheriff shall be order'd to pay the Debt, as in case of Escapes.

Privilege.

Anno 1662. *Ch.* 134. The Privilege of exemption from the payment of the Duties of 2 *s.* and 10 *s. per* Hogshead, is granted only to such *Virginia*-Owners and Adventurers in such Vessels as solely and wholly belong to Inhabitants of this Country, and not to such Persons as are only Partners of Vessels, whose other Partners dwell in other Countries.

Processions.

Anno 1673. *Ch.* 3. When difference shall happen to arise concerning the Bounds of Orphans Lands, and cannot otherwise be determined, (by reason the Act of Processions has not been duly executed) the Orphans Lands shall be laid forth by two able Surveyors in the presence of the Neighbourhood, and two Men appointed by the County Court on the Orphans behalf, the Charges of the Survey to be born one half by the Orphan, the other by the Owner of the adjacent Land, whose Bounds are also thereby ascertain'd.

Publick-Notary.

Anno 1662. *Ch.* 135. *Henry Randolph* Clerk of the Assembly shall be sworn a Publick-Notary for this Country, to whose attestation at home and abroad we desire all Credence may be given.

Q.

Quakers.

I. *ANno* 1663. *Ch.* 1. If any Quakers or other Separatists whatsoever in this Colony, assemble themselves together to the number of 5 or more, of the Age of 16 Years or upwards, under the pretence of joyning in a Religious Worship not authorized in *England* or this Country, the parties so offending being thereof lawfully convict by Verdict, Confessions or notorious Evidence of the Fact, shall for the first Offence forfeit and pay 200 *l.* of Tobacco; for the second Offence, 500 *l.* of Tobacco, to be levy'd by Warrant from any one Justice of Peace, upon the Goods of the Party convicted, but if he be unable, then upon the Goods of any other of the Separatists or Quakers, then present. And for the third Offence the Offender, being convict as aforesaid, shall be banisht the Colony of *Virginia*.

II. Every Master of a Ship or Vessel that shall bring in any Quakers to reside here, after the 1 of *July* next, shall be fined 5000 *l.* of Tobacco, to be levy'd by distress and sale of his goods, and enjoyn'd to carry him, her, or them out of the Country again.

III. Any Person inhabiting this Country, and entertaining any Quaker in or near his House to Preach or Teach, shall for every time of such entertainment be fined 5000 *l.* of Tobacco.

IV. If any Justice of Peace or other Officer neglect their Duty in prosecuting this Act, or connive at any

Breaches

Breaches thereof, he shall upon conviction, be fined 2000 *l.* of Tobacco to be levyed by Distress, *&c.*

V. All Justices of Peace in their several Counties shall enquire, hear, and determine the foresaid offences, and cause the said fines to be Levyed.

VI. The said Fines shall be, the 200 *l.* and 500 *l.* of Tobacco for the first and second Meetings, half to the Informer, and half to the Parish; and the 5000 *l.* of Tobacco imposed for importing, half to the Informer, and half to the Parishes of that County where the Person or Persons arrive; the 5000 *l.* of Tobacco on the Inhabitant entertaining, half to the Informer, and half to the Parishes of the County where he lives, for Pious uses; The Charge of apprehending to be first defray'd. The Fines of the Magistrates neglecting, *&c.* in like manner with the last.

VII. Provided, if a Quaker or Separatist, after Conviction, give Security, not to meet in any such unlawful Assemblies for the future, he shall be discharged from the foresaid Penalties.

Quit-Rents.

I. *Anno* 1662. *Ch.* 52. Sheriffs shall collect and receive all such Quit-Rents, as the Treasurer or his Deputy shall order him to receive in his County. Which said Quit-Rents shall be paid in Specie of Tobacco or Money.

II. *Ch.* 74. Such Persons as cannot procure Money, shall pay their Quit-Rents in Tobacco at two Pence *per* Pound.

III. The Country paying the Rents double, the two next Years, shall be acquitted from all Arrears.

R.

Removals.

I. *ANno* 1662. *Ch.* 62. No Person whatsoever shall remove out of the County where he dwells unless he set up his Name at the Door of his Parish Church or Chappel, expressing his intent of removing, three Sundays together, before his going; upon Certificate whereof from the Minister and Church-Wardens, he shall have a Licence to depart from the Clerk of the County Court.

II. Provided, that if the Party pay not off his due Debts before his Removal, he shall put in sufficient security before the Governour and Council to pay the same as they become due, *&c.*

III. If any such Person shall remove or transport his Cattle out of the County without notice given to four of the nearest Dwellers, he shall forfeit for every Beast so transported 1000 *l.* of Tobacco, half to the Publick, and half to the Informer.

IV. If any Merchant, Mariner, or other Person; shall transport any one out of this Country without Certificate he shall be liable to the payment of all the Debts and Engagements of the Party transported, due at the time of his Removal.

Repeal.

I. *Anno* 1676. *Ch.* 4. All the Acts, Orders and Proceedings made at *James's City* in *June* 1676, being obtain'd by Threats, force and violence, in a Rebellious manner by *Nathaniel Bacon* junior repeal'd and made void and null.

II. *Anno* 1679. *Ch.* 5. The Act of 1662. *Ch.* 129. (Impositions, *Sess.* 6.) repeal'd. And the Inhabitants on *Potomack*-River, and on the Eastern shore shall have equal Liberty with the rest of his Majesties Subjects in this Colony, to dispose, pay, and make delivery of their Tobacco, to their best advantage.

Rivers

Rivers.

I. *Anno* 1680. *Ch.* 15. The Justices in the Respective County Courts, shall annually in *June* or *July* Courts, order Surveyors to clear the Rivers of all Logs, Trees, Roots of Trees, and other Rubbish, that may any ways endanger any Sloop, Boat, or Vessel. Which said clearing shall be annually perform'd, under the Penalties set down in the Act of 1662. *Ch.* 79. (Highways. *Sess.* 3.)

II. To fell Trees into the Rivers or Creeks, and not clear the same, the Offender shall be fined 500 *l.* of Tobacco for the first Offence, and for the second 1000 *l.* of Tobacco for the use of the County.

Rum.

I. *Anno* 1662. *Ch.* 124. All Vessels, except such as belong wholly to the Inhabitants of this Country, bringing in them any Rum or Pavele Sugar, shall not unload the same but only at such places as are appointed for the vent of that Commodity, and shall there bring the same on Shoar, and enter the quantity, and pay for every Gallon of Rum 6 *d.* Custom, and for every Pound of Pavele Sugar, 1 *d.* before they sell or dispose thereof.

II. *Anno* 1664. *Ch.* 8. The Act of laying an Imposition on Rum, and Pavele Sugars, repealed.

Run-aways.

I. *Anno* 1663. *Ch.* 8. Pursuit after Run-away Servants shall be made at the charge of the Country. For effecting whereof any Justice of Peace may issue out his Warrant for pressing any dispatches to make pursuit. In case the Fugitives shall escape to any of the Dutch Plantations, Letters shall be writ to the respective Governours of those Plantations to make seizure of them, and return them by the next convenient Passage, who shall be paid the Charges of sending them back.

II. The Servant being restored to his Master, shall serve for the time of his absence, and charge disbursed,

In case the Master refuses to pay the Charge, the Servant shall be sold, or hired out for so long as may reimburse the Publick Disbursement: after which the Servant shall be return'd to his Master, *&c.*

III. *An.* 1666. *Sess.* 2. *Ch.* 11. Whoever shall entertain a Run-away Servant, shall be fined and pay 60 *l.* of Tobacco for every Day and Night he shall so harbour him, to be recover'd by the Master by Action of Debt in any Court of Judicature. This Act to extend only to those Servants that serve by their first Indenture.

IV. *Anno* 1668. *Ch.* 4. Corporal Punishment moderately inflicted on a Run-away Servant, by Master or Magistrate, shall not deprive the Master of the Satisfaction allow'd him by Law, *viz.* the prolonging the time of Service.

V. *Anno* 1670. *Ch.* 1. A reward of 200 *l.* of Tobacco and no more shall be given to the Apprehender of a Run-away, if found above 10 Miles from his Masters House, and 100 *l.* of Tobacco if found above 5 Miles from home, to be paid by the Publick, for which the Servant (not being a Slave) shall after the expiration of his Service to his Master, serve any Person to whom he shall be assigned by the Assembly, the term of 4 Months for every 200 *l.* of Tobacco paid for him, the Assign giving Commission to repay the Tobacco to the Publick.

VI. Every Master that hath a Servant that hath run-away twice, shall keep his Hair close cut, and not so doing, shall be fined 100 *l.* of Tobacco for every time the said Fugitive shall after the second time, be taken up.

VII. Every Constable to whose Hands the said Fugitive shall be first committed, shall, by virtue of this Act, whip him severely, and so deliver him to the next Constable towards his Masters House, who is to give him the like Correction, and so every Constable through whose Precincts he passes to do the like.

VIII. Every Constable receiving a Run-away shall give a Receipt to the Constable or Party he receives him from, that if by negligence such Run-away should escape, such negligence may be discover'd, and the Constable for such neglect pay 400 *l.* of Tobacco half to the Publick, half to the Informer.

IX. Every Master of such Servants, indebted to the publick, shall immediately after the time of his Service is expired, deliver him to the next Sheriff to be proceed-

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ed with as the Law directs, unless such Servant can give security to pay the penalty laid on him by the Act, *&c.*

X. *Anno* 1672. *Ch.* 8. If any Negro, Mulatto, Indian Slave or Servant for life, run away, and shall be pursued by hue and cry, it shall be lawful for any Person endeavouring to take them, to kill or wound them, if they resist; provided such Negro, *&c.* be named and described in the hue and cry, and that the same be signed by the Master or Owner of the Run-away. And if it happen that such Negro, *&c,* die of such Wound received, the Master or Owner shall receive satisfaction from the Publick for his Negro, *&c.* so dying, and the party killing or wounding by virtue of such, *&c.* shall not be question'd for the same, he forthwith giving notice thereof.

XI. And all such Negroes shall be valued at 4500 *l.* of Tobacco and Cask a piece, *Indians* at 3000 *l.* of Tobacco and Cask.

XII. If any such Negro, *&c.* do not die of his Wound, but lie sick and disabled, then the Master shall also receive from the Publick a reasonable satisfaction for such Damage as he shall make appear to have sustain'd thereby.

XIII. The Neighbouring *Indians* are hereby enjoyn'd to seize all Run-aways whatsoever that come among them and bring them before some Justice of Peace, who shall give to the said *Indians* as a Recompence 20 Arms length of Rhoanoke and the said Justice to receive from the Publick 250 *l.* of Tobacco, and cause the Run-away to be convey'd to his Master.

XIV. This Act to be in force till the next Assembly, and no longer, unless continued.

S.

Salt-Works.

ANno 1666. *Sess.* 2. *Ch.* 7. The Saltwork erected at *Accomack* not answering expectation, Liberty is given for any Person to import and sell Salt to the County of *Northampton*, notwithstanding any Act of restraint, as freely as he might have done before.

Scolds and Ducking-stool.

Anno 1662. *Sess.* 2. *Ch.* 5. In Actions of Slander occasion'd by a Mans Wife, afrer Judgment past for Damages, the Woman shall be punisht by ducking, and if the Slander be such as the Damages shall be adjudged at above 500 *l.* of Tobacco, then the Woman shall have a ducking for every 500 *l.* of Tobacco adjudged against the Husband, if he refuse to pay the Tobacco.

Seating.

I. *An.* 1662. *Ch.* 70. If any Man hath, by mistake, built or seated, upon another Mans Land, it being proved by a just survey to belong to another, The Charge of such Building, &c. shall by 12 Men upon their Oaths be valued, and the value paid by the owner of the Land to the first Seater that was at the Charge; if it amounts to more than the Owner is willing to disburse, then the said 12 Men shall value what the Land was worth before the seating thereof, which the seater shall accordingly pay to the true Owner.

II. No Consideration for Building, shall be allow'd to him who persists in Building after lawful warning given to desist.

Secretary's-Office.

Anno 1664. *Ch.* 5. The Records in the Secretary's-Office ſhall be examined and ſtated as they now are, and for the future no Perſon to view them, unleſs by publick order, but the Clerk of the Office, or whom elſe the Secretary ſhall appoint. The Clerks Fee for ſearching ſhall be 1 *s.* or 10 *l.* of Tobacco, beſides paying for the Copy. And no more than half ſo much for ſearching in the County Court.

Servants.

I. *Anno* 1662. *Ch.* 98. All Servants hereafter coming into this Country without Indenture, ſhall ſerve 5 years if above 16 years of Age, and all under that Age ſhall ſerve till they be 24 Years old. (*vid. inf. Seſſ.* 20.)

II. *Ch.* 101. All Servants at the expiration of their time, ſhall enter their Freedom by their Maſters Certificate, at the County Court, and take a Certificate thereof from the Clerk of the ſaid Court, which ſhall be a ſufficient Warrant for any Perſon to entertain him or them.

III. In caſe ſuch Servant be hired a ſecond time, his new Maſter ſhall take his Certificate and keep it, till his ſecond Service be expired.

IV. Whoſoever ſhall entertain any hired Servant, running away, without a Certificate as aforeſaid, ſhall forfeit to the Maſter of ſuch Servant 30 *l.* of Tobacco, for every Day and Night they ſhall harbour him.

V. In caſe the Servant forges a Certificate, or Steals the true one from his Maſter, he ſhall ſtand in the Pillory 2 Hours in open Court.

VI. If any comes free into the Country and Contracts a Service, and departs before the time agreed for be accompliſht, he ſhall perform his Service, and alſo pay ſuch Damages as ſhall ariſe by the Breach of his Contract.

VII. *Ch.* 102. Servants abſenting themſelves from their Maſters Service, ſhall make ſatisfaction by ſerving after the time by Cuſtom, or Indenture, is expired, double the time of ſervice ſo neglected, or longer if the Court ſhall ſee fit ſo to adjudge.

VIII.

VIII. If an English Servant run away in Company of any Negroes who being Slaves, cannot make satisfaction by addition of time, the English after their own time of Service to their own Master shall be expired, shall serve the Masters of the said Negroes so long as the Negroes should have done if they had not been Slaves, *&c.*

IX. *Ch.* 103. Every Master shall provide for his Servants competent dyet, Cloathing and Lodging, and shall not exceed the Bounds of moderation in correcting them; And any Servant having just cause of Complaint, may complain to the next Commissioner, who finding just cause, shall give order for warning the Master to the next County Court, where the Servant may have Remedy for his grievance.

X. *Ch.* 104. The Servant that shall lay violent Hands on his or her Master, Mistress, or Overseer, and be convicted thereof before any Court in this Country, the same Court shall order such Servant to serve his or her Master, *&c.* one Year longer than the Expiration of his time.

XI. No Person whatsoever, for any offence committed, shall be adjudged to serve the Country as Colony Servants.

XII. *Ch.* 105. Whoever shall Buy, Sell, Trade, or Truck with any Servant for any Goods, without Licence or Consent of the Master, shall suffer one Months Imprisonment, give Bond for his Good Behaviour, and forfeit to the Servants Master, 4 times the value of the things so bought, sold, *&c.*

XIII. *Anno* 1662. *Sess.* 2. *Ch.* 2. All Servants bringing Goods into this Country with them, not being their own Wearing Apparel, or having them consigned to them during the time of their Service, shall have the property in such Goods, and by permission of their Masters dispose of the same to their own Advantage.

XIV. *Ch:* 6. A Woman Servant got with Child by her Master, shall, after her time by Indenture, or Custom, is expired, be, by the Church-wardens of the Parish where she lived when brought to Bed of such Bastard, sold for 2 Years, and the Tobacco imploy'd for the use of the Parish.

XV. *Ch.* 8. Where any Bastard Child is gotten by a Servant, the Parish shall take care to keep the Child during the time the reputed Father hath to serve by Indenture or Custom, and after the said reputed Father is free he shall make satisfaction to the Parish. XVI.

XVI. *Ch.* 11. Every Maſter buying or bringing in a Servant without Indentures ſhall carry him to the Court within 4 Months after, when the beſt Judgment may be given of his Age, or elſe the Servant ſhall not ſerve any longer than thoſe of 16 are to ſerve by Cuſtom of the Country.

XVII. *Ch.* 13. All Women Servants who are commonly imploy'd to work in the Ground, ſhall be reputed Tythable and Levy's paid for them accordingly.

XVIII. *Anno* 1672. *Ch.* 5. Every Servant who comes in preſumable without Indenture, and ſo ſold for the Cuſtom, ſhall by his Maſter be brought before ſome Juſtice of Peace, and if upon demand the Servant ſaith that he hath an Indenture but cannot then produce it, the ſaid Juſtice ſhall aſſign him one Months time, in which time if he fail to produce it, he ſhall be barr'd from his Claim, by reaſon of any pretended Indenture whatſoever.

XIX. *Anno* 1676. *Ch.* 7. No Maſters ſhall make any Agreement or Bargain with their Servants before the time of their Service be expired, unleſs it be made in the preſence and with the approbation of ſome Juſtice of the Peace of the County where the Parties reſide, upon the penalty of forfeiting to ſuch Servant all the time of Service that is due at the Bargain making, beſides the avoiding of ſuch Bargain.

XX. *Anno* 1666. *Seſſ.* 2. *Ch.* 12. Servants coming in without Indentures ſhall ſerve, only to the Age of 24, if 19 or under.

Service and Sacraments.

I. *Anno* 1680. *Ch.* 13. Whoſoever ſhall in any Church or Chappel, diſturb the Miniſter whilſt he is exerciſing his Miniſterial Function, by words, or other means whatſoever, or appear there in any unſeemly, or undecent Geſture, any Juſtice, Sheriff, or other Officer then preſent ſhall put the Perſon ſo offending under reſtraint during the time of divine Service, and he ſhall alſo for the 1 Offence be fined 200 *l.* of Tobacco and Cask, and for every following Offence 500 *l.* of Tobacco and Cask, to be levyed by the Sheriff upon any one Juſtices Warrant.

II. A Justice of Peace refusing or neglecting to put this Law in severe Execution shall be fined 500 *l.* of Tobacco and Cask.

Sheriffs.

I. *Anno* 1662. *Ch.* 44. None shall be Sheriff of a County but one of the Commissioners of that County, and such Commissioners shall execute the Office successively, every one a Year and no longer, giving good security for due performance of the Trust, and taking the Oath.

II. No Under-sheriff shall execute his Office in the same County longer than 1 Year.

III. The Governour shall have the free Choice of the Sheriffs of *James City*. And if he sees cause for his Majesties Service, he may pass by any Person in any other Commission, and give the Place to him in the Commission that he thinks most proper for the present Occasions.

IV. *Ch.* 45. Every Sheriff failing to make sufficient Return of the Writ, shall be amerced 1000 *l.* of Tobacco, half to the Plaintiff, and half to the County. Provided the Plaintiff prove the delivery of the Warrant to the Sheriff.

V. *Ch.* 46. Sheriff shall take sufficient Bail upon Arrest, which if he doth not, or otherwise be consenting to an Escape, he shall pay the Award of the Court himself, and also pay, if his consent to the Escape be proved, 1000 *l.* of Tobacco one half to the Publick, the other to the Party grieved.

VI. If Bail be taken, and the Party appear not, then Judgment shall be awarded against the Bail, and the Sheriff or Bail have an Attachment against the Estate of the Party arrested. If the Sheriff or Bail bring forth the Body at the next Court after, then they shall be acquitted of the Judgment past against them.

VII. *Ch.* 47. If a Sheriff return a *non est Inventus*, upon which an Attachment is grantable, he or his Officer shall declare upon Oath that he hath been at the Defendants House and left a Copy of the Writ; if he refuse to make such Oath, order shall pass against him according to Act for Non-Returns.

VIII. If the Return be proved and allow'd, after thrice summoning the Defendant by Proclamation, an Attach-

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ment shall issue against his Estate, returnable the Court following, where if the Defendent appear not to replevin, Judgment shall pass for the Plaintiff, the Debt being proved.

XI. *Ch.* 51. A Sheriff receiving Tobacco of any Person indebted for his Levies, and also for Fees and other Debts, shall take care that all Debts due to the Publick be first paid. The Sheriff making default herein shall be fined 10000 *l.* of Tobacco, to the use of the Publick.

X. *Ch.* 60. Commissioners of every County shall be answerable to the Publick for all Levies laid upon that County, and for the Sheriffs performance of his Place. And therefore they are impower'd before his Admission into Office to take Security of him for their own Indempnity in relation to his receiving and discharge of all Publick Duties committed to his Charge or Collection.

XI. Provided no Commissioner shall be lyable but such as were of the Commission when the Defect was made.

XII. *Anno* 1662. *Sess.* 2. *Ch.* 1. Every Sheriff that shall be proved, to have executed the Writ, and yet make a false Return, shall be fined 3000 *l.* of Tobacco, one half to the Publick and the other to the Party damaged or delay'd.

XIII. *Anno* 1666. *Sess.* 2. *Ch.* 24. All Sheriffs shall take sufficient Bail of all Persons arrested, with this Condition, to bring forth the Party arrested, or perform the award of the Court. (*The rest exactly the same with Anno* 1662. *Ch.* 46. *sup. Sess.* 5.)

XIV. *Anno* 1676. *Ch.* 8. The Act of *Anno* 1662. *Ch.* 80. (*vid. Tobacco, Sess.* 1.) shall extend to Sheriffs and other Collectors of the Publick and County Levies, *&c.* and all Publick County-Debtors may have the Benefit of the Act of *Anno* 1666. *Ch.* 2. (*Tobacco Sess.* 6.)

XV. If in Collecting any Publick or County-Debts, or other Fees, any Sheriff or Collector, shall seize or destrain more Tobaccoes than is due, the Party seizing shall make immediate satisfaction, or allow the over-plus to be taken back out of the Hogshead so seized.

XVI. No Sheriff or other Collector shall seize any Hogshead of Tobacco before the time paid away and marked, if there be other Merchantable Tobaccoes in the Plantation.

XVII. Justices holding Court shall appoint the Collectors for Publick and County Levies.

XVIII. No Person whatsoever shall be at the same time a Justice of Peace, and Clerk of the County Court; or High Sheriff of the County, and County-Court Clerk. Yet the County-Court Clerk may depute the High Sheriff or Under Sheriff to enter such Actions as may be brought to either of them.

XIX. Any one of the Council of State may sit in any Court of *Virginia*, and have equal Vote with any Justice there.

XX. No Person not born in this Country shall bear any Office Civil or Military (unless commissioned by the King) until such Person hath been 3 Years resident in this Colony.

XXI. No Person convicted in *England* or elsewhere, shall ever be capable of bearing any Office Civil or Military in this Colony.

XXII. Any 2 Justices of the Quorum in their respective Counties may sign Probates and Letters of Administration, but Certificates thereof must be sent to the Secretary's Office.

XXIII. *Anno* 1677. *Ch.* 4. Whatsoever Sheriff, Collector, Receiver, shall be found to receive Tobaccoes, upon concealed Tythables, and not give Account thereof to the next County Court, but convert, or endeavour to convert the same to his own use, he shall be fined, and pay the Penalties imposed in the former Act of Assembly for concealed Tythables.

Ships and Vessels.

I. *Anno* 1662. *Ch.* 110. Whosoever shall build a Vessel of any Burthen and fit her to Sea, in this Country, shall for every Tun Burthen the said Vessel shall contain, receive 50 *l.* of Tobacco out of the Publick Levy.

II. After the 1 of *Sept.* 1663, no Master of a Ship or Vessel, or other Trader, shall bring in any Salt into the County of *Northampton*, under penalty of Confiscation of such Ship and Goods; to the end that *E. S.* who hath erected a Salt work in those Parts, may be encouraged in his Endeavours to promote the Good of the Country. (Repeal'd, *vid.* Salt-works.)

III. *Ch.* 118. The Commissioners of each County, if desired, shall order and give satisfaction to those who have

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any Boat or Canoo privately taken and conceal'd from them, by causing the Party trespassing to pay to the owner 500 *l.* of Tobacco Penalty, and what Damage the Boat sustains

IV. *Ch.* 125. Masters of Ships shall provide 4 Months Allowance of Victuals for Passengers at their setting forth from *England*, and give them sufficient Allowance of Dyet all the Voyage, and take care that poor Servants do not want bedding in the Voyage.

V. *Ch.* 133. All Masters of Ships arriving in *James River*, shall with the first fair Wind and Weather after their arrival bring up their Ships to *James City*, and there make Entry, take out Licence to trade, and perform such other things as the Laws of the Country enjoyn them.

VI. *Anno* 1668. *Ch.* 2. Licence is granted to all Merchants and Masters of Ships and Vessels, to ride with their Ships in any part of that River they shall make choice of for the better dispatch of their Affairs, notwithstanding a former Act that enjoyn'd them to ride within the command of some Fort.

Shooting off Guns.

Anno 1662. *Ch.* 119. For the better taking Alarms upon the approach of *Indians*, the frequent shooting off Guns at Drinkings is prohibited. And whosoever shall shoot any Guns at Drinkings, or Marriages, (Burials excepted) he or they shall forfeit 200 *l.* of Tobacco to the Publick.

Silk.

I. *Anno* 1662. *Ch.* 109. Every Proprietor of Land within this Colony of *Virginia*, shall for every hundred Acres of Land he holds in Fee, plant upon the same 12 Mulbery Trees, at 12 Foot distance, and secure them by Fence and Weeding, and for every Tree that shall be wanting he shall forfeit to the Publick 20 *l.* of Tobacco.

II. This Act shall not extend to Orphans till 5 Years after their full Age. Nor to such Proprietors as are in actual Possession.

III. For the Encouragement of all Persons that shall endeavour to make Silk, there shall be allowed to any one for every pound of wound Silk that he shall make 50 *l.* of Tobacco, to be raised in the Publick Levy, and paid in the County where he dwells.

IV. *Anno* 1669. *Ch.* 6. The former Encouragement of 50 *l.* of Tobacco for every pound of wound Silk, shall be allow'd as formerly out of the Publick.

Slaves.

I. *Anno* 1669. *Ch.* 1. If any Slave resist his Master or others by his Masters Order correcting him, and by the extremity of Correction should chance to die, it shall not be accounted Felony, but the Master and other Person appointed by him shall be acquitted from Molestation.

II. *Anno* 1670. *Ch.* 12. All Servants, not being Christians, imported into this Country by Shipping, shall be Slaves for their Life time, but such as come by Land shall serve, if Boys and Girls, till 30 Years of Age, if Men and Women, 12 Years and no longer.

Strays.

Anno 1662. *Ch.* 113. Every Person that shall take up and keep any Stray-Horses, Cattel or Boat, shall cause the said Cattel, or Boat, with the Proper descriptions, to be cryed Publickly in all the Churches and Chappels in the County within one Month after the taking them up, and if no Owner appear, then to publish the same at the next County Court, and if then no Owner appear he may make use of such Boat till the Owner do appear, who shall allow him for his pains 100 *l.* of Tobacco.

Sunday.

I. *Anno* 1662. *Ch.* 9. Enacted that the Lords Day be kept holy, and no Journeys be made on that Day unless upon necessity. And all Persons inhabiting in this Country, having no lawful Excuse, shall every Sunday resort to their Parish Church or Chappel, and there abide orderly

derly during the Common-Prayer, Preaching, and Divine Service, upon the penalty of being fined 50 *l.* of Tobacco by the County Court.

II. This Act shall not extend to Quakers or other Recusants who totally absent themselves, but they shall be lyable to the penalty imposed by the Stat. 23. *Eliz. viz.* 20*l.* sterling for every Months absence, *&c.* And all Quakers assembling in unlawful Conventicles shall be fined every Man so taken 200 *l.* of Tobacco for every time of such meeting.

III. *Ch.* 58. No Sheriff, nor his Officer shall execute any Writ or Warrant upon any Person or Persons, on the Sabbath Day, 30 of *Jan.* 29 of *May* and 13 of *Sept.* nor at the times of General Musters or Election of Burgesses, Except for Riots, Felony, or Suspicion of Felony, or for an Escape out of Prison when under Execution, and such may be apprehended upon any Day and at any place.

Supersedeas.

Anno 1662. *Ch.* 41. No Supersedeas shall hereafter be granted, but by the Governour and 2 of the Council, nor by them unless the Party desiring it gives Security to make good his Allegation of Errour for which it is granted, and if he be cast at the next General Court, to pay the Principal with 25 *per Cent.* Damages, and costs.

Surveyors and Surveying.

I. *Anno* 1662. *Ch.* 75. Surveyors of Land shall demand no more than 20 *l.* of Tobacco for measuring 100 Acres of Land if the Parcel exceed 500 Acres, if under, then 100 *l.* of Tobacco. For which he shall deliver an exact Plot survey'd and measured. If the Surveyor goes further from his home than he can return in one Day, he shall he allow'd 30 *l.* of Tobacco *per* Day for every Days absence, if the Passage be by Water then the Party that imploys him, shall provide for his Transport both out and home again. No pay to be received till the Plot be delivered.

II. *Ch.* 76. No Surveyor shall give a Plot of any Land surveyd by him to any Person till 6 Months after the

drawing thereof. And all Lands ſurvey'd ſhall at the ſurveying be plainly markt and bounded for all Perſons to take notice of. The Surveyor offending contrary to this Act ſhall forfeit 500 *l.* of Tobacco.

III. *Ch.* 78. The Inhabitants of every Neck and Tract of Land adjoyning, ſhall once in every 4 Years go in Proceſſion and ſee the marked Trees of every Man's Lands in thoſe Precincts to be renewed, by which means Bounds will be ſo generally known, and the marks ſo freſh that no alteration can be made.

IV. The Bounds of the preſent Proprietors being thus ſettled ſhall conclude the ſaid Proprietors, and all claiming from or under them.

V. If any difference happen at preſent that cannot be by the Neighbours decided, 2 honeſt and able Surveyors ſhall in preſence of the Neighbourhood lay out the Land in Controverſy, and the Bounds then laid out ſhall ever after be renew'd and continue ſo. The Perſon cauſing the Difference to pay the charge of the Survey.

VI. The County Court ſhall appoint every Pariſh to divide themſelves into Precincts in order to ſee their Marks renew'd and go the ſaid Proceſſions ſome time between *Eaſter* and *Whitſuntide*. The Court that ſhall be negligent herein ſhall be fined 10000 *l.* of Tobacco, the Pariſh that ſhall neglect 1200 of Tobacco, and the Perſon that fails to go at the Day appointed for this end 350 *l.* of Tobacco.

VII. *Anno* 1666. *Seſſ.* 2. *Ch.* 5. The Fees formerly limited for Surveyors, ſhall be doubled, *viz.* 40 *l.* of Tobacco for meaſuring every hundred Acres, if the whole exceed or amount to 1000 Acres, if under that quantity then 400 *l.* for which he ſhall deliver an exact Plot of the Land ſurvey'd.

VIII. A Surveyor refuſing, upon reaſonable demand, to Execute his Office, not being hindred by Sickneſs or other lawful Impediment, ſhall be fined and pay for ſuch refuſal, 4000 *l.* of Tobacco, and for exceeding his Fee, 200 *l.* of Tobacco for every hundred Acres, half to the Party injured, and half to the Informer.

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Tanners.

*A*Nno 1662. *Ch.* 3. One or more Tan-houſes ſhall be erected in every County, at the County Charge, and a Proviſion made of Tanners, Curriers, Shooemakers, for making the Hides of this Country into Leather and Shooes. An allowance ſhall be made to every Inhabitant of the County for every dry Hide, 2 *l.* of Tobacco *per* pound, and Shooes ſhall be ſold at 30 *l.* and 35 *l.* of Tobacco, of the 6 largeſt Sizes, *&c.*

Taxes, Tythables and Levies.

I. *Anno* 1662. *Ch.* 53. Every County ſhall be divided into ſeveral Precincts, in every of which a Commiſſioner ſhall be appointed to take a Liſt, to be brought or ſent in under the hand of the Maſter of every Family, of the Names and Numbers of the Tythables in his Family, if he give in a falſe Liſt he ſhall pay treble Duties for every Perſon conceal'd.

II. The Commiſſioner ſhall cauſe notice to be ſet up at the Church Door, of the Day by him appointed to bring in the Liſts, at which time every Perſon neglecting to bring in his Liſt, ſhall be adjudged a Concealer, and pay accordingly. And a Commiſſioner neglecting his Duty ſhall pay treble alſo.

III. The Commiſſioner ſhall deliver the Accounts ſo taken by him to the County Clerk, who ſhall return an exact Liſt of the Families to the Clerk of the Aſſembly the 1 or 2 day of every *September* General Court.

IV. *Ch.* 54. All Male Perſons of what Age ſoever, imported into this Country, ſhall be brought into the Liſt of Tythables and be liable to the Payment of all Taxes. And all Negroes imported Male or Female ſhall be accounted Tythable; and all Indian Servants of both Sexes being adjudged 16 Years of Age.

V. No Christian, Native of this Country, or imported free, shall be liable to the payment of Levies till the Age of 16. Nor other Persons by particular Act of Assembly exempted.

VI. *Ch.* 55. Every Councellour of State for this Country, shall be exempted from all publick Charges and Taxes, for himself and 10 of his Family, Ministers and Church Dues excepted.

VII. All Ministers officiating in any publick Cure, and 6 of their Family, shall be exempted from publick Taxes.

VIII. All Persons that came into this Country, at the last coming of Sir *Thomas Yates*, shall be exempted for their own Persons, from Taxes (Church Duties excepted) and from serving in the Wars.

IX. *Ch.* 56. Every Artificer and Handicraftsman following his Trade and not planting Tobacco, either by himself or Servants, shall for his encouragement be exempted from paying any Levies (except Ministers and Church Dues) for himself or Servants, during 3 Years. Provided that if he shall directly or indirectly, at home or abroad, cause to be planted or tended any Tobacco, or hire out his Servant to that purpose, he shall pay double Levies for himself and all his Tythables.

X. *Ch.* 57. The Governour and Council shall have power to raise and proportion a Levy to defray the Country Debts and Salaries allow'd by the Assembly, and other Debts justly and necessarily due, provided it amount not to above 20 *l.* of Tobacco *per* Pole. This Act to continue for 3 Years, unless some urgent occasion happen in the mean time of calling an Assembly.

XI. *Anno* 1662. *Sess.* 2. *Ch.* 16. No Merchant, Master, Mariner, or other Person, shall receive on board any Ship, Vessel, *&c.* any Tobacco before the Imposition of 2 *s. per* Hogshead be duly paid in Monies, or Value, and due Certificates or Cocquets thereof from the Collector; under penalty of forfeiting all such Goods to the Publick.

XII. *Ch.* 20. The former Act of exempting Tradesmen and Handicraftsmen from paying Levies (*Sup. Sess.* 9.) suspended for 5 Years.

XIII. *Anno* 1663. *Ch.* 7. Every Master of a Family shall give an exact Account of all Tythable Persons in his Family annually by the 10 of *June*. And in case of concealment, the Person conceal'd shall be forfeited to the

Informer

Informer and Prover, if a Servant; but if the Person conceal'd be a Freeman, then for every such Person, the Master of the Family shall forfeit 1000 weight of Tobacco. Women Servants exempted out of this Act.

XIV. *Anno* 1665. *Ch.* 7. All Vessels trading here out of *New England* or any other adjacent Plantations in *America*, shall for the future be free from the Imposition of 10 *s. per* Hogshead, and pay no other Duties or Customs than any other Vessel trading out of *England*.

XV. *Anno* 1670. *Ch.* 4. After the 10 of *June* in every County, the Clerk of the County Court shall set up the Names and Numbers of Tythables taken by the Justices in their respective Precincts, at the Court Door, all that Court Day, to the end that any Person living near may discover Concealments, if any be.

XVI. *Anno* 1672. *Ch.* 3. All Persons appointed to take an Account of Tythables, shall take an Account of all Negroes, Mulatto, and Indian Children, and their Ages by the Oath of the Masters or Owners of them. All such Children shall within 12 Months after their Birth, be register'd in the Parish Register with their exact Ages: All Negro Women born in this Country shall be accounted Tythable at 16 Years of Age.

XVII. 1673. *Ch.* 5. No Tradesmen, Merchants, nor any Artificers whatsoever, above the Age of 16 Years, shall be exempted for the future from payment of Levies, any usage to the contrary notwithstanding.

XVIII. *Anno* 1676. *Ch.* 9. The Acts exempting Councellors and ten of their Family, and Ministers and six of their Family, from paying Levies, repeal'd. Instead thereof, there shall be allow'd and paid out of the Monies arising upon the Impost of 2 *s. per* Hogshead to the Councellours attending general Courts and Assemblies the Summ of 100 *l.* sterling, over and besides the 250 *l.* sterling heretofore paid. And to such Ministers as shall be appointed to attend at general Courts or Assemblies 5 *l.* sterling for every general Court or Assembly they shall attend.

XIX. None shall be exempted from payment of Publick or County-Levies, except the Governour and his Servants, the single Person of every one of the Council, all Ministers beneficed in this Country, and such lame and Impotent Persons as by order shall be left out of the Lists.

XX. *Ch.* 13. Six able House keepers or Freeholders shall and may sit with the Vestry and have equal Votes at the assessing Parish Taxes, but if they refuse or neglect to appear, having had notice, the Vestry may proceed without them.

XXI. *Anno* 1680. *Ch.* 3. For every Hogshead of Tobacco exported out of this Colony, by Land or Water, there shall be paid by the Exporter 2 *s.* of Currant English Money, and for every 500 Weight of Tobacco transported in Bulk the same rate, and so proportionably. For the support of the Government of this Colony of *Virginia.*

XXII. All Ships and Vessels coming to any part of this Colony, shall pay for every Tun such Vessel shall contain half a pound of good new Powder, and 3 pound of Leaden Shot, or 1 *s.* 3 *d.* in lieu thereof, and 6 *d. per* Poll for every Person imported, not being actually a Mariner in pay.

XXIII. Every Master that willingly conceals any part of his Freight or makes false Entries, *&c.* shall forfeit 100 *l.* Sterling, and pay treble Duties, half to the King, and half to the Informer, to be recover'd by Action of Debt, *&c.*

XXIV. The Master of every Vessel shall enter into Bond of 20 l. Sterling for the payment of the Duties as appear by Certificate to be enter'd at the Custom-House in *England.* And such Masters as shall give in true Accounts, and advance and pay down the abovementioned Duties in Money or good Bills, shall be allow'd for an Encouragement, 10 *per Cent.*

XXV. All Former Acts for levying 2 *s. per* Hogshead, Castle-Duties, Tunnage, or Head Money, are hereby repeal'd, (*v. Tit. Impositions, and Castle-Duties.*)

XXVI. Privilege of *Virginia* Owners shall be in full force and virtue. (*vid. Tit. Privilege, and Castle Duties. Sess.* 2.)

XXVII. *Anno* 1680. *Ch.* 9. The allowance for Cask in all Publick, County, and Parish-Levies, and for Clerks and Sheriffs Fees, shall be 8 *per Cent.* and no more, and so much the Sheriff or Collector shall allow the Planter for his Cask, upon penalty of paying to the Party grieved 100 *l.* of Tobacco.

XXVIII. *Anno* 1682. *Ch.* 13. The Summ of 89 *l.* of Tobacco shall be paid by every Tythable Person within the

the Colony and Dominions of *Virginia*, being the Publick Levy for this present Year, for defraying the Charges of the Country.

Tobacco.

I. *Anno* 1662. *Ch.* 80. Every Person not demanding his Debts due in Tobacco, between the 10 of *October* and the last of *January*, shall not sue the Person indebted to him for present payment. And it shall be lawful for any Person owing Tobacco, to dispose of the same to his own use after the last of *January*, if not demanded by a Creditor.

II. No Execution shall Issue for a Tobacco Debt, but against the Person, who may free himself by giving Security to pay the Debt the next Crop. And a Creditor may at any time sue his Debtor for Security to receive his Debt the next Year.

III. *Ch.* 106. No Tobacco shall be planted after the 10 of *July*, and whoever plants or replants any after that time, shall forfeit 10000 *l.* of Tobacco to the use of the Publick.

IV. *Ch.* 107. Whosoever shall tend or suffer to be tended any second tops or slips shall forfeit 10000 *l.* of Tobacco, to the Publick.

V. Who ever shall save, pack, or sell, and send away any Ground Leaves (which ought to be totally supprest) shall forfeit for every Hogshead that hath in it 5 *l.* of Ground Leaf Tobacco 5000 *l.* of Tobacco to the use of the Publick. The Breach of this Act to be duly presented by the Grand Jury.

VI. *Anno* 1666. *Ch.* 2. If the Creditor omit to demand his Tobacco by the last of *January*, the Debtor may at any time between that and the 20 of *February* apply himself to the 2 next Justices of Peace who shall appoint 3 honest Men of the Neighbourhood, who shall upon their Oaths view the Tobacco, and if they find it Merchantable, weigh and mark it for the Creditor, on whose account the same shall after lie. And the Debtor producing a Certificate of the said Tender from the said Justices to the next Court, the Court shall by their Order discharge the Debtor from the Debt, provided the Tender be made in place according to specialty.

VII.

VII. *Anno* 1667. *Ch.* 1. Tobaccoes of the growth of *Mary-Land*, laden in Ships riding in any Harbour of *Virginia*, ſhall not pay any *Virginia* Duties, from hence till the 1 of *October* 1668. Conditionally that the Government of *Mary-Land*, allow the like Liberty for *Virginia* Tobacco ſhipped in Ships riding in their Harbours.

VIII. *Anno* 1668. *Ch.* 8. Declar'd, that marking alone without Weighing, doth transfer the Property of Tobacco to him that ſets or cauſes to be ſet, his Mark upon it, and the quantity may be weighed and aſcertain'd by any Commiſſioner of the County, if the Party concern'd neglects to do it for 10 Days.

IX. *Anno* 1679. *Ch.* 8. No Tobaccoes packt in Casks or otherways, ſhall be brought from without the Capes of *Virginia* into this Colony in any Veſſel whatſoever, except only by ſuch Perſons as are Inhabitants of *Lower-Norfolk* County, and that the Tobaccoes by them brought round the Capes, ſhall appear to be of the growth of the ſaid County; under the penalty of forfeiting all ſuch Tobaccoes ſo brought in, contrary to this Act, one half to the King, the other to be divided between the Informer and the Country.

X. Provided, any Merchant or other Perſon, may fetch from *Carolina* and bring hither ſuch Tobaccoes as are now due to him, in caſe he repairs to the County Court where he lives and there makes Oath, within three Months after the Publication of this Act, what Summs of Tobacco is due to him, and cauſe the ſame to be recorded, and alſo before he unloads or lands the ſame in this Country, make entry of the ſame with the next Collector, and alſo make Oath before him that ſuch Tobacco is part of that that was due to him before the making of this Act.

Trade.

I. *Anno* 1662. *Ch.* 108. A conſiderable quantity of Flax Seed ſhall be ſent for into *England*, and diſtributed into the ſeveral Counties to retain Perſons who may ſell it to the Inhabitants, and the produce thereof to be paid the Year following with the Levy.

II. Whoever ſhall ſpin the Flax and cauſe it to be weaved into Cloath of a Yard wide, ſhall have for every Yard

Yard 3 *l.* of Tobacco and for every Yard of Woollen Cloath, made of the Yarn here ſpun 5 *l.* of Tobacco, to be paid upon due proof thereof, out of the Publick Levy in the ſame County where they dwell.

III. *Ch.* 114. Free Trade ſhall be allowed to all the Inhabitants of this Country, but not with the *Indians* for Bever, Otter, or other Furs, except thoſe commiſſioned by the Governour. Aud all Acts concerning ingroſing, repeal'd.

IV. *Ch.* 122. Whoſoever ſhall after the 1 of *June* next export out of this Colony any Engliſh Goods not by him formerly imported, ſhall upon diſcovery, forfeit ſuch Goods, and be fined the Value, one half to the Informer the other to the Publick.

V. *Anno* 1666. *Seſſ.* 2. *Ch.* 15. All Acts of Encouragement for Silk, building of Veſſels, or any other things, ſhall from henceforth ſtand repeal'd, except the Act of 1662. *Ch.* 134. (*vid.* **Privelege**) And the Act for planting Mulbery Trees, which now every one voluntarily propagates, ſhall ſtand repealed.

VI. *Anno* 1679. *Ch.* 9. No Ship or Veſſel belonging to the Inhabitants of *Mary-Land*, or coming from thence ſhall be permitted to bring in any Goods or Commodities into any River or Port of this Government and unload the ſame without firſt making due Entry thereof with the Collector, under the penalty of forfeiting ſuch Veſſel with the Goods, *&c.* One half to the Informer, the other to the uſe of the County where the ſeizure ſhall be made. This Law to ſtand in force till the *Mary-Landers* repeal their ſevere Law of this Nature made againſt the Ships and Veſſels of this Country.

VII. *Anno* 1680. *Ch.* 5. Fifty Acres of Land in every County ſhall be laid out and ſet apart for a Town for Store Houſes, and the Places where they ſhall be in the reſpective Counties are ſpecify'd, for which ſee the Act at large.

VIII. The Price to be paid by the ſeveral and particular Counties, for the reſpective 50 Acres of Land ſhall be 10000 *l.* of Tobacco and Cask, to the Owners thereof, which they ſhall accept and receive for a full price for the ſaid Land for ever, and authentickly convey the ſame to Feoffees in truſt for the uſe of the ſaid County.

IX. All and every ſuch Perſon as will build a dwelling Houſe and Ware-houſe thereon, ſhall have aſſigned to him

him one half Acre of the ſaid Land in fee-ſimple, he paying to the County 100 *l.* of Tobacco and Cask, and ſo proportionably if he hath 2 half Acres and builds 2 dwelling Houſes, *&c.* But he ſhall forfeit his Intereſt in caſe he doth not build within 3 Months after ſuch purchaſe.

X. The Surveyor that lays out the 50 Acres ſhall be paid by the Publick. And for laying out every divided half Acre and giving a Plot thereof, he ſhall be paid by his Imployer 20 *l.* of Tobacco and Cask and no more.

XI. All Tobaccoes and other Goods and Manufactures of this Colony ſhall be brought to the ſaid appointed Places, and there ſold, Shipt off, and freighted. And whoever ſhall buy, ſell, freight or ſhip off any Tobaccoes, or other Goods before the ſame be brought to ſuch appointed Places, he ſhall upon due proof thereof, forfeit and looſe the ſame, one half to the King, the other to the Informer.

XII. All Goods, Engliſh Servants, Negroes, *&c.* imported into this Colony after the 29 of *Sept.* 1681. ſhall be landed and ſold at the ſaid appointed places, and no where elſe, under the like penalty of Forfeiture.

XIII. Provided, any Perſons may buy and ſell between themſelves Horſes, or any Cattle, Engliſh grain or any other Proviſions, or ſend Hides to Tan-Houſes, notwithſtanding this Act.

XIV. No more ſhall be paid for Sloop-hire than 20 *l.* of Tobacco and Cask for every Hogſhead, if within 30 Miles of the ſaid Ware-houſe, and at what diſtance ſoever further, double. And for Storage in any Warehouſe, the Warehouſe-Keeper ſhall take no more than 10 *l.* of Tobacco for the firſt Day or for a Month, and for every Month after 6 *l.* of Tobacco.

XV. No Execution, Attachment or other Proceſs in Law ſhall be laid upon any Tobaccoes in the time of Tranſportation thereof to the appointed Places, or in the Warehouſes, for any Debt contracted before the paſſing this Act.

XVI. All Carpenters, Sawyers, Bricklayers, Labourers and all other Tradeſmen that will come and inhabit and exerciſe their Trades within the ſaid appointed places, ſhall for their Incouragement, within the Limits of the ſaid places be free from Arreſts, and their Goods from ſeizure, for any Debt contracted before their coming, during the Term of 5 Years; but not barring the Creditors to ſue after

after the 5 Years are expired. And during the ſaid Term of 5 Years they ſhall alſo be free from the paying of any publick Levy. But all ſuch Debts as ſhall accrew by any Bargain or Contract made or to be made within the Limits of the ſaid appointed places may be ſued for and immediate Proceſs granted thereon.

XVII. No Collector of Publick, County, or Pariſh Levies, or for Sheriffs or Clerks Fees, ſhall diſtrain or ſeize any Tobaccoes in ſuch Places.

XVIII. Two neighbouring Counties if they ſee convenient, may agree to lay out Ground to ſerve for the building of ſuch Place and Town as aforeſaid, which may ſerve for both Counties, any thing in this Act to the contrary notwithſtanding.

XIX. *Anno* 1682. *Ch.* 12. All Debts either in Money or Tobacco contracted in this Country, (where the Debtor upon demand of the Creditor, can not pay the ſame in Specie, and ſhall diſcover upon Oath before one Juſtice of Peace, what Money or Tobacco he hath, and render the ſame in part of Payment) may be paid in the Commodities and Manufactures of this Country at the following Rates, *viz.* Tobacco at 10 *s. per Cent.* Wheat, Engliſh Peaſe at 4 *s.* or 40 *l.* of Tobacco *per* Buſhel. Oats and Indian Peaſe at 3 *s.* 7 *d. q.* &c. *per* Buſhel. Indian Corn ſhelled 2 *s.* &c. *per* Buſhel. Flax, 7 *d. q.* &c. *per* Pound. Hemp, 4 *d.* 3 *q.* &c. *per* Pound. Wool 9 *d.* 3 *q.* &c. *per* Pound. Butter, 6 *d.* &c. *per* Pound. Tallow 4 *d.* 3 *q. per* Pound. Freſh Pork, 12 *s.* &c. *per Cent.* Freſh Beef 10 *s. per Cent.* Inch Plank, 15 *s. per* 1000 Foot. Tar, 15 *s. per* Barrel. Pipe-Staves 3 *l. per* Thouſand, containing 120 to the Cent. Barrel-Staves 1 *l.* 13 *s.* 7 *d. ob. per* Thouſand. Buck-skins dreſt, each 2 *s.* 4 *d.* 3 *q.* undreſt 1 *s.* 2 *d. q.* Doe Skins dreſt, each 1 *s.* 9 *d. ob.* undreſt, 11 *d.* Or for the ſeveral Summs aboveſaid a proportionable rate in Tobacco.

XX. The ſaid Commodities to be at the time of Tender, good, ſound and merchantable in their kind.

XXI. This Act not to extend to the Quit-Rents, or other of his Majeſties Dues and Cuſtoms.

XXII. This Law to continue in force to the 10th of *November* 1685, and no longer.

Trespasses.

I. *Anno* 1662. *Ch.* 71. If any Planter, or other, ſhall hunt or ſhoot within the Limits of anothers Dividend, without leave firſt obtained, he ſhall forfeit for every ſuch Treſpaſs 400 *l.* of Tobacco, half to the Owner of the Land, half to the Publick uſes.

II. Provided, it ſhall be lawful to hunt or ſhoot upon any dividend not planted or ſeated, tho taken up. It ſhall be lawful alſo for any that hath ſhot any Game without the Limits of another Mans Land, to purſue the ſame upon another Mans Land, and take and carry away the ſame. So alſo to fetch off his own Cattel or Hogs from another Mans Land, firſt giving notice of his Intention, to the Owner of the Land.

III. Perſons Licenced by the Governours Authority may hunt wild Hogs upon any Mans Land without their Fenced Plantations.

V.

Vagabonds, Vagrants and Poor.

ANno 1672. *Ch.* 7. The Juſtices of Peace in every County ſhall put the Laws of *England* againſt Vagrant, Idle and Diſſolute Perſons into ſtrict Execution. And the reſpective County Courts ſhall place out all Children whoſe Parents are not able to bring them up, Apprentices to Trades, the Males till 21, and the Females till 18 Years of Age, and no longer. And the Church-Wardens ſhall give an Account yearly of all ſuch Children within their ſeveral Pariſhes as are in this Capacity.

Vexatious Suits.

Anno 1670. *Ch.* 7. In all Cafes where the Moleftation fhall be found to be unjuft, the Party fo molefting may be enforced to pay to the Party grieved, for every Day he may be reafonably going to *Jame's City* and returning home, 30 *l.* of Tobacco, and for every Days attendance to anfwer 60 *l.* of Tobacco, befides his ordinary Non-Suit, and cofts allow'd by the Court.

W.

Weavers.

I. *ANno* 1666. *Seff.* 2. *Ch.* 10. Commiffioners of each County Court fhall provide and fet up a Loom and a Weaver, in each of the refpective Counties of this County, at the charge of the County, and no private Perfon fetting up a Loom at his own Charge, fhall excufe the County from fetting up a Publick one.

II. Every County Court neglecting to perform the Tenor of this Act, fhall be fined 2000 *l.* of Tobacco to the Publick, and Informer.

III. The Executing of this Act in the Counties of *Rappahannack*, *Stafford*, *Weftmorland* and *Northumberland* fhall be refpited for 4 Years.

Weights and Meafures.

I. *Anno* 1662. *Ch.* 63. None fhall buy or fell but by Englifh Weights and Meafures.

II. The Commiffioners of every County fhall provide at the County charge, fealed Weights of half hundreds, quarterns, half quarterns, feven pounds, four pounds, two pounds, one pound; of Meafures, Ell and Yard; of Bufhel,

Bushel, half Bushel, Peck and Gallon; of Winchester measure, Gallon, Pottle, Quart, Pint; and of Wine Measures, out of *England*.

III. The first named in Commission, in every County, shall keep these Standards in his House, with a burnt Mark, and Stamp for Lead and Pewter; to whom all who have not Weights and Measures sealed in *England*, shall bring their Barrels, Measures, and Stilhards to be tryed and sealed.

IV. All Persons selling by Weights or Measures not sealed as aforesaid, shall forfeit 1000 *l.* of Tobacco, half to the Publick, half to the Informer.

V. Commissioners not providing such Weights, Measures, Scales, and Stamps, as abovesaid by the 1 of *December* 1663 shall be fined 5000 *l.* of Tobacco, to the use of the Publick.

VI. *Ch.* 117. *Virginia* Hogsheads for Tobacco shall be 43 Inches in length, and the Heads 26 Inches wide, with the Bouge proportionable. He that makes any Cask of a larger sieze, shall pay (if a Freeman, otherwise his Master or Mistress for him) 3000 *l.* of Tobacco, half to the Informer, half to the County. And all Casks made of unseason'd Timber shall be burnt.

Widows.

I. *Anno* 1664. *Ch.* 7. The Estates of all Persons Intestate, where, doubtful whether personal or real, *viz.* Land cleared, or Woodland and housing, may be according to the quantity and quality of the same, divided equally into thirds, and the Widow to have the choice of the thirds after the Division.

II. *Anno* 1673. *Ch.* 1. Widows of Persons dying intestate shall be endowed with the 3 *d.* part of the Real Estate to be equally divided, as to housing, fenced Grounds, Orchards, Woods, *&c.* during her natural Life. And the third part of the Personal Estate, if there be but 1 or 2 Children, if more, the Personal Estate to be divided among the Widow and all the Children, share and share like. The Husband by his Will, may devise more to his Wife than as above exprest, but not less.

Witnesses.

I. *Anno* 1662. *Ch.* 28. The Clerk of the general Court shall issue subpenas from the Secretary's Office, if the Witnesses required do not dwell beyond the Bay, or on the North side of *James's River*; if so, a *Dedimus Potestatem* shall issue for taking their Depositions in the County where they dwell.

II. In Criminal Causes all Witnesses shall give their Evidence *viva voce*, at the Tryal, in the general Court.

III. *Ch.* 30. The Penalty for not appearing upon a Subpena at the General Courts shall be 1000 *l.* of Tobacco, and for the like default at County Courts 350 *l.* of Tobacco.

IV. Witnesses shall be allow'd for their necessary time spent in coming and going to and from the said Courts 20 *l.* of Tobacco *per* Day, and for the time of their attendance there, 40 *l.* of Tobacco *per* Day.

V. There shall not be allow'd in any Bill of Costs, the charge of above 3 Witnesses to any one Action, unless for proof of incident Matters which severally may require the attestation of 2 Witnesses.

VI. *Anno* 1662. *Sess.* 2. *Ch.* 7. If a Witness subpena'd to give Evidence in any Cause, refuse to declare it upon Oath, he shall be committed to Prison, and there remain till such time as he will declare it upon Oath.

VII. 1674. *Ch.* 2. All Witnesses that come to *James's City* 20 Miles and upwards, shall be paid 30 *l.* of Tobacco *per* Diem, and 60 *l.* of Tobacco *per* diem for their Expences during their Attendance there.

VIII. *Anno* 1682. *Ch.* 10. All Persons subpena'd as Witnesses in any Cause depending in any Court of *Virginia*, shall be free from Arrests for Debt or Trespass (except at the Kings Suit) during their Attendance, and coming and returning.

Wolves.

I. *Anno* 1662. *Ch.* 59. He that destroys and kills a Wolf by Pit, Trap. or otherwise, shall be paid 200 *l.* of Tobacco, by the County. Provided he makes proof be-

fore the next Commissioner how the Woolf was killed, and bring his Head, and take from the said Commissioner a Certificate thereof.

II. *Anno* 1665. *Ch.* 2. A former Act appointing the Incouragement for killing of Woolves to be levyed upon Houses, repealed; and another former Law for levying the said Incouragement *per* Poll revived and continued.

III. *Anno* 1666. *Sess.* 2. *Ch.* 6. The Allowance for Woolves killed by the *Indians*, shall be wholly left to the County Courts, to be provided for by their Bye-Laws as shall be most requisite according to the occasions of each County.

IV. *Anno* 1670. *Ch.* 10. A former Act for the Incouragement of *Indians* to kill Woolves, and paying the Tribute Beaver in Woolves heads, repeal'd.

V. *Anno* 1676. *Ch.* 14. All Acts giving Encouragement for killing of Woolves, repeal'd. And Liberty granted to each respective County to make such Bye-Laws for that purpose as they shall think fit.

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Anno 1670.

Ch. 1 *Run-aways.*
2 *Fences.*
3 *Burgesses.*
4 *Taxes, Tythables.*
5 *Indians.*
6 *Marriage.*
7 *Vexatious Suits.*
8 *Commissioners.*
9 *Burgesses.*
10 *Woolves.*
12 *Slaves.*

Anno 1671.

Ch. 1 *Millers.*
4 *Negroes.*
5 *Indians.*
6 *Fees.*

Anno 1672.

Ch. 1 *Forts.*
2 *Orphans.*
3 *Tythables, Taxes.*
4 *Limitation.*
5 *Servants.*
7 *Vagabonds, &c.*
8 *Run-aways.*
9 *Marshes.*
10 *Limitation.*

Anno 1673

Ch. 1 *Widows.*
2 *Ammunition.*
3 *Processions, Bounds, &c.*
4 *Flax and Hemp.*
5 *Taxes, Levies, &c.*

Anno 1674.

Ch. 1 *King.*
2 *Witnesses.*
3 *Courts.*
4 *Indians.*
5 *Feme Covert.*

Anno 1675.

Ch. 3 *Corn.*

Anno 1676.

Ch. 4 *Repeal.*
6 *Cocquets.*
7 *Servants.*
8 *Sheriff.*
9 *Taxes, Levies, Tythables.*
10 *Ordinaries and Publick Houses.*
11 *Amerciaments.*
13 *Taxes, Levies, &c.*

14 *Wolves.*
15 *Plantations.*
16 *Burgesses.*
17 *Courts.*

Anno 1677.

Ch. 1 *Juries.*
2 *Compositions.*
3 *Indians.*
4 *Sheriffs.*
5 *Patents.*
8 *Impresses.*
9 *Patents.*
10 *Fees.*
11 *Limitation.*
12 *Courts and Proceedings at Law.*

Anno 1679.

Ch. 1 *Militia.*
2 *Crown.*
3 *Courts.*
4 *Accounts.*
5 *Repeal.*
6 *Fees.*
7 *Orphans.*
8 *Tobacco.*
9 *Trade.*

Anno 1680.

Ch. 1 *Pardon.*
2 *Naturalization.*
3 *Taxes.*
4 *Forts.*
5 *Trade.*
6 *Attornies.*
7 *Negroes.*
8 *Indians.*
9 *Taxes, Levies, &c.*
10 *Negroes.*
11 *Grievances.*
12 *Hides.*
13 *Service and Sacraments.*
14 *Indians.*
15 *Rivers.*
16 *Fees.*
17 *Fishing.*

Anno 1682.

Ch. 1 *Indians.*
2 *Indians.*
3 *Negroes.*
4 *Hides.*
5 *Courts and Proceedings at Law.*
6 *Attornies.*
7 *Forts.*
8 *Assemblies.*
9 *Arrests.*
10 *Witnesses.*
11 *Cloath.*
12 *Trade, Manufactures.*
13 *Taxes and Levies.*

THE

THE

The Acts of Assembly

AND

LAWS

OF

JAMAICA,

Abridg'd under Proper Heads.

A.

Ale-Houses and Taverns, &c.

I. ANno 1682 *Act* 5. None shall have any Licence from the Governour to retail any strong Liquors, without Certificate under the Hands of 2 Justices of Peace, and good Security given in the Secretaries Office, of 100 *l.* not to suffer any Disorders in his House.

II. None shall sell Rum, or Rum Punch, without Licence from the Justices in Sessions, and Security first given,

ven, under the penalty of 40 *s.* for every such Offence.

III. None shall entertain in their Houses so licenced, any to tipple or drink in time of Divine Service, under penalty of 20 *s.* and the Person or Persons so found, each of them 5 *s.* to be levyed by distress, upon any one Justice of Peace's Warrant.

IV. Whoever shall dishonour God, by open profaneness or Blasphemy, shall upon conviction in the Supream Court of Judicature, be fined 20 *l.* or more, for every such Offence. Servants shall be liable to such corporal Punishment as the Judges shall think meet. Life and Limb excepted.

V. Every Person so licenced as aforesaid that suffers common Gaming, shall forfeit 10 *l.* And he that wins any Money by fraud or false Dice, shall forfeit treble the value thereof, upon Conviction And no Sum above 40 *s.* won at any Game, or by betting, shall be recoverable. All Bonds, Contracts, and Securities, for above that Sum won as aforesaid, shall be void.

VI. Provided, any maker of Rum, may by himself or Servants, sell and vend the same, pure and unmixt.

VII. The foresaid Penalties shall be one half to the King towards the support of the Government, the other to the Informer, who shall sue for the same in any Court of Record in this Island, wherein no Essoign, *&c.* shall be allowed.

Arrests, and Execution.

I. *Anno* 1684. *Act* 7. *p.* 122. None shall be adjudged Free-holders of known Residence, unless he possess 5 Acres planted, or a House of 10 *l. per an.* on his Free-hold, and all others shall be liable to Arrests.

II. *Eod. p.* 121. Sugar, Ginger, Anotto, Indico, Cacao, Cotten, or Piemento, taken upon Writ of *Venditioni exponas*, shall be carryed to Port-Royal, at the Defendants charge, and there appraised by the Church-Wardens upon Oath, which Goods so appraised shall be by the Provost Marshal deliver'd to the Plaintiff and by him accepted for so much Money.

III. The said Church-Wardens shall receive from the Defendant 4 *d. per* pound, for what they shall appraise. And if they refuse to appraise upon Oath the goods so ta-

ken,

ken, he or they so refusing shall forfeit for every such refusal, 10 *l.* half to the King, and half to the Informer, to be recovered by Bill, Plaint, *&c.* in any Court, *&c.*

Assembly.

I. *Anno* 1682. *Act.* 1. In every Assembly hereafter to be called by the Kings Writ, in this Island, there shall be 3 Representatives for the Parish of St. *Catharines*, the like for Port Royal, and 2 for every other Parish in the Island. And the Provost Marshal shall give notice to the Parties elected, within 10 Days after their Election.

II. Every Person elected must be a Free-holder in the Island, and none can vote in Election but Free-holders in the same Parish.

B.

Building.

I. *ANno* 1682. *Act.* 19. None shall build at *Port-Royal* within 30 foot of the High Water Mark, excepting the Wherry Place. And such Houses as are already or shall be built, within 30 Foot, shall be taken down and removed within 6 Months; or otherwise the Proprietors shall build a strong substantial Wharf of 30 Foot broad.

II. No House shall be built further Northward on the Harbour than Major *Bach*'s, and Captain *Swimmer*'s.

III. When any Fire shall happen at *Port-Royal* or any other Town, 2 or 3 of the chief Officers of the same Town or Parish shall order the pulling down or Blowing up of such Houses as they shall judge meet for stopping the Fire. And if the Fire be stoped by such means, the said Houses shall be paid for by those whose Houses in the said Town shall not be burnt, for which a tax shall be made and levyed among them. But if the House where the Fire begins shall be judged fit to be pull'd down to prevent the

spread-

ſpreading, the Owner of ſuch Houſe ſhall have no ſatisfaction.

IV. Owners of Lands or Houſes on the South-ſide of *Port-Royal*, from *Fort-Rupert* to the Houſe of *Edward Watkins* ſhall ſerve their reſpective proportions of Land joyning on the Sea, with a ſubſtantial Wharf of laſting Timber, under the Penalty of 10 *l.* for every Years neglect. One third to the King, one to the Poor of that Pariſh, and one third to the Informer. For their Encouragement to Wharf, the Church Street ſhall be added to their Lands and Free-hold, proportionably as they bound upon the ſame, they leaving a Paſſage of 18 Foot open.

V. None ſhall build nearer to the Church on the South-ſide, than what is now built.

VI. None ſhall fetch, or dig up any Stones from the Riffs below Highwater Mark from the Eaſt and South parts of the Kays lying off *Port-Royal*, *&c.* Penalty 10 *l.* for every Offence. Nor caſt out any Ballaſt in any Harbour or Bay, penalty 20 *l.* for every Offence.

VII. No Wrecks ſhall be laid up in the Harbour of *Port-Royal*, and if any decay'd Veſſel ſink there it ſhall be removed by the Owner within one Month, or he ſhall forfeit 20 *l.* for every Month it lies.

VIII. The Fines and Penalties of this Act, ſhall be one third to the King, one third to the Church Wardens of the Reſpective Pariſhes, and one third to the Informer.

IX. Every Perſon that ſhall entertain any Seaman belonging to any trading Ship in any Harbour of this Iſland, after 8 at Night, ſhall forfeit 40 *s.* one half to the Poor of the Pariſh, the other to the Maſter, or Commander of the Ship, to be recover'd by a Juſtice of Peace's Warrant as other Debts not exceeding 40 *s.*

C.

Cattle.

I. ANno 1682. Act 10. All Plantations bounding on *Savanna's*, Highways, &c. and Pastures made out of Woodlands, shall be sufficiently fenced in.

II. If any Damage shall be done by any Stock in any Plantation so fenced, the Damage, and the sufficiency of the Fence, shall be determined by the Oath of 3 Freeholders, and the Owner of the Stock shall pay double the Damage done, to be recovered before any Justice of Peace, if not exceeding 40 *s*. if more, in any Court of Record.

III. No Person whatsoever shall kill any Cattle, Horse, Mare, Mule, or Assinego, under the Penalty of 15 *l*. to be recover'd in any Court of Record by the Owner or Proprietor of the said Beast.

IV. All Owners of Neat Cattle shall keep one white Man at each Pen, and 2 white Men at every Pen whereunto belongs above 200 Head of Cattle. Penalty 10 *l*. for every white Man wanting for the space of 3 Months, half to the Poor of the Parish, half to the Informer.

V. All owners of Cattle shall Pen them once in 3 Nights at least, or pay the Damage double, which such Cattle shall do.

VI. Strays shall belong to the Proprietor of the Ground, where taken up, provided he crys the Stray 3 Court days with proper descriptions, and turns the same loose in the feeding Ground with a Withe about the Neck, for one Year, and if not claim'd in that time the Property shall be his. Ear-markt, or burn-markt Cattle shall belong to the right Owners, if claimed any time after the expiration of the Year.

VII. The Clerk of each respective Court of Record in this Island shall make entry and toll all sort of Cattle that shall be sold from one Person to another, which are to be vouched by 2 sufficient and known Persons, which Entry and Toll shall be good against all former sales, or any other Title, except where the Provost Marshal hath

levyed the same in Execution. The Clerks Fee for such Entry 1 *s.*

VIII. No Person whatsoever shall carry Fire or smoak Tobacco in any *Savanna*, Plantation, or Highway, under penalty of 10 *s.* for every Offence, to him that shall sue, and further to pay all Damages that may happen; and in case of inability to be whipped at the discretion of any one Justice of Peace. Provided Owners of Land may carry Fire in their own Plantations, but liable to satisfy the Damage that may happen to others.

IX. None shall drive, or ride, in any *Savanna*, as a Common Horse Catcher, without first giving Security for their honesty, and obtaining leave from the Proprietors of the *Savanna*, or the Major part of them, under penalty of 20 *l.* one third Part to the King, one to the Proprietors of the *Savanna*, and the other to him that shall sue.

X. No Common Driver or Horse-catcher shall sell or barter any Horse, Mare or other Cattle, without bringing 2 sufficient Evidence to vouch for him before the Clerk of some Court, that he bred or otherwise came lawfully by them, under the penalty of 50 *l.* to be disposed as before. And the Buyer without such Vouchment shall forfeit 20 *l.*

XI. If any Driver or Horse Catcher shall fraudulently and designedly put any false Mark or deface any old Mark, he shall for such Offence be guilty of Felony.

XII. If any Keeper or Owner of Goats, shall suffer his Goats to feed upon another Man's Land, the Owner of the Land shall recover his Damages for such Trespass, as the Jury shall give, in any Court of Record, and full Costs of Suit in the said Action.

XIII. *Anno* 1684. *Act.* 7. *p.* 119. No Common Horse-catcher shall ride or drive in any *Savanna*, without giving 100 *l.* Bond with sufficient Security, to the Justices in open Sessions, under penalty of 10 *l.* for every Offence, and having so done he shall obtain an Order from the Justices then sitting to ride and drive, *&c.*

XIV. No such common Horse Catcher shall mark any Cattle without giving notice in the Parish Church the Sabbath-day before, under penalty of 20 *l.*

Chari-

Charitable Uses.

Anno 1682. *Act* 43. All Gifts, Grants, Conveyances and Devises, of Lands, Tenements, Rents, Goods and Chattels, to any pious, charitable, or publick use, as for maintenance of lawful Ministers, erecting of Churches, Chapels, Schools, Colleges, Alms-houses or Hospitals, or their maintenance already made, or to be made within the space of 20 Years next ensuing, are hereby confirmed and made good, according to the true intent and meaning of the Donors, or Devisors. Excepted out of this Act Superstitious uses, or for the maintencnce of any Teacher not lawfully ordained and allow'd by the Church of *England*.

Church, Church-Wardens, and Parish.

I. *Anno* 1682. *Act* 15. All Goods in Cask landed upon or shipped from the Bridge at *Passage Fort*, shall pay 1 *s. per* Tun, and so proportionably.

II. The Church-Wardens of St. *Catharines* shall take care that the said Bridge be kept in sufficient Repair, under penalty of 10 *l.* half to the Informer and half to the Poor of the Parish.

III. The said Church-Wardens shall appoint Collectors of the said Duty, and employ the same to the use and behoof of the said Parish of St. *Catharines*.

IV. If any refuse to pay the said Duty, the Collector may detain in his possession the Goods of the Person refusing, till satisfaction.

V. *Anno* 1684. *Act* 7. The Minister of each Parish shall be one of the Vestry, and no Order shall be good if timely notice were not first given to him to be there.

VI. The Inhabitants of St. *Dorothy*'s and St. *Thomas* in the Vale shall pay all Parish Duties to St. *Catharines*, till each be provided of a Church and Minister of their own. Those of the *Magotty* shall pay to the Parish of St. *John*, &c.

VII. When the Parish of St. *Dorothy* shall be provided of a Church and Minister, the Bridge over *Black River* shall be built and repair'd at the equal Charges of the Parishes of St. *Catharine*, and St. *Dorothy*.

VIII. The Highways from the ford of *Rio combre* to Major *Needham*'s Walk, shall be maintain'd by the Inhabitants of St. *Thomas* in the *Vale*.

IX. A Line from the head of *Swift-River* to the South Bounds of St. *Ann*'s, shall be the easterly and westerly Bounds of the Parishes of St. *Elizabeth*, and *Clarendon*.

X. *Anno* 1695. *Act* 4. *p.* 26. The Place called and known by the name of *Kingston*, in the Parish of St. *Andrews* on the Harbour of *Port-Royal*, bounded South by the Harbour, West and North by the Land of Sir *W. Beeston*, and continued from a Calabash on the North-east Corner by a strait Line to the foot of the Long Mountain, and from thence till it meet with the Bounds of the Parish of *Port-Royal*, shall be for ever hereafter esteemed to all intents and purposes, an intire and distinct Parish, separate from the Parish of St. *Andrews*, and call'd the Town and Parish of *Kingston*.

XI. And shall enjoy all Benefits, Privileges, Rights, and Immunities, that any Parish or Precinct within this Island hath or ought to have, and particularly that there shall be chosen 3 Representatives to serve in every Assembly, after the first Prorogation of this present Assembly, for the said Town and Parish of *Kingston*.

XII. Also there shall be erected, establisht, and held in the said Town, a Quarter Session for the Peace, and a Court of Common Pleas, with the same Power as was lately exercised at *Port-Royal*, which Court shall be held once every two Months, and the Sessions every three Months.

XIII. The Receiver General, Secretary, and Naval Officer, shall by themselves or Deputies, keep in the Town of *Kingston*, their several Offices, as heretofore in *Port-Royal*, on penalty of 50 *l.* each, for every Months neglect, half to the King, half to the Informer, to be recover'd in the supreme Court, wherein no Essoign, *&c.*

Courts, and Proceedings at Law.

I. *Anno* 1682. *Act* 25. *p.* 74. The Judges of the Supream Court of Judicature shall have Cognizance of all Pleas Civil, Criminal, and Mixt, as fully as the Kings Bench, Common Pleas, and Exchequer have in *England*. And the same Court shall be constantly kept at St. *Jago*

de la Vega and not elſewhere, one every three Months, of which there ſhall be five Judges, three of the *Quorum.*

II. The ſeveral Inferiour Courts of Common Pleas in this Iſland, ſhall have Juriſdiction, where Freehold is not concerned, to the value of 20*l.* and no more and ſhall be kept once every three Months. Provided, the Judges of the Court at Port Royal may keep the ſame once every two Months; and the Chancellour here may appoint Juſtices in any Inferiour Courts.

III. None ſhall execute the Office of a Judge in any of the foreſaid Courts, till he hath taken the Oaths of Allegiance and Supremacy, in open Court. And no Judge ſhall receive any profit, benefit or advantage, but what is allow'd them by the Acts of this Iſland, under the Penalty of 500 *l.*

IV. The Judges of the ſeveral Courts ſhall order and eſtabliſh Rules and Order for the regular Practice in their Courts, as fully to all Intents as the Judges in the ſeveral Courts in *England* legally do.

V. No Counſellour or Attorney ſhall be admitted to Practiſe in any of the ſaid Courts till he hath taken the Oaths of Allegiance and Supremacy, *&c.* under Penalty of 20 *l.* And whatſoever Councellour or Attorney ſhall by negligence or ignorance miſtake his Clients Cauſe, whereby the Client ſhall ſuffer a Nonſuit, he or they ſo offending, ſhall, by Rule of Court without any further Proceſs, pay the party aggrieved full Coſts of Suit.

VI. The Judges may at all times, upon motion in Court, order Amendments in matter of form only; and ſhall not upon a Writ of Error, or motion in Arreſt, reverſe any Judgment for matter of Form only.

VII. No Action of Waſt ſhall be brought in any Court of this Iſland; nor any Freeholder of known Reſidence arreſted by any Proceſs out of the ſaid Courts, Penalty 20 *l.* to be paid by the Plaintiff to the Party ſo arreſted, and all Proceedings thereupon ſhall be void.

VIII. No Suit ſhall be in the Supream Court of Judicature for any Matter or Cauſe under the Value of 20 *l.* upon the penalty of 20 *l.* to be paid by the Plaintiff, but ſuch cauſes ſhall be tryed in the Inferiour Courts. Provided the Inhabitants of St. *Catharines*, St. *Dorothy's*, St. *Thomas* in the *Vale*, and St. *Johns*, may ſue in the ſupream Court for any Sum till they ſhall have Petty Courts erected in their own Pariſhes.

IX. In all Inferiour Courts, upon Summons and the defendent doth not appear, Judgment shall go by default, as in the supream Court, the Provost Marshal making Oath in open Court that the Party was legally summon'd 14 days before.

X. Upon a Declaration exhibited in Debt upon specialty, or a *Concessit solvere,* and disclosing the special matter to the Chief Judge of the supream Court, that the Debtor is either gone off the Island, or a *Non est inventus* return'd, an Attachment shall Issue against the Goods and Chattels, *&c*, of the Debtor, in whose hands soever; and upon Conviction, and the Plaintiff swearing the Debt due and no part paid, and giving security to restore the same with treble Damages if disproved, he shall have Judgment to recover his Debt out of the said Goods, Chattels, Moneys, *&c.* But if any Attorney appear, and put in Bail, the Attachment shall be dissolved. If the Parties in whose hands the Goods, *&c.* are attached, shall part with the same before the Attachment be satisfied or dissolved they shall make satisfaction to the Plaintiff out of their own proper Estates.

XI. All Debts not exeeeding 40 *s.* where the Debtor is gone off, *ut sup.* shall be recoverable before any one Justice of Peace, by Attachment in the same manner and form as abovesaid.

XII. All Summons from any Court shall be deliver'd to the Party, or left at his dwelling House, 14 days before the several Courts, by a sworn Marshal, except at *Port-Royal*, and there it shall be deliver'd 10 Days before the Court, otherwise the Defendant not bound to appear.

XIII. Replevins, Foreign Attachments at the supream Court, and Warrants of Arrest, may be served at any time.

XIV. No Execution shall be taken out, or executed, till 28 days after Judgment, except at *Port-Royal,* and there Execution shall issue 10 days after Judgment. No Negroes, Horses, nor any manner of Utensils belonging to a Plantation or Work shall be taken in Execution where the Defendant shall offer other Goods to satisfy the Debt and Costs.

XV. The Defendant shall have Liberty to carry his Goods taken in Execution to Market and there sell them, first acquainting the Marshal who took them upon Execution,

cution, that so he may receive the Produce thereof. If the Defendant neglect to sell them till 10 Days before the next Court, the Marshal shall take the Goods and sell them by publick outcry.

XVI. If Negroes, Horses, and Utensils be taken in Execution for want of other Goods, they shall not be removed till a *Venditioni Exponas* issue, impowering the Provost Marshal to sell them, or in case they be made away, to levy and sell any other Goods, or in default of Goods, to take the Defendants Body, &c.

XVII. After the Goods shall be sold by publick outcry, the Money shall be paid to the Plaintiff or his Order within 10 Days, under the penalty of half the Debt to be recover'd by the Plaintiff to his own use.

XVIII. The Marshal shall not take in Execution Negroes, or Utensils *ut sup.* if the Defendant shews him any Stock or Cattle in a Pen, which may be sold by publick outcry, as aforesaid.

XIX. All Accidents that happen while Goods taken in Execution remain in the Defendants possession, shall be born and made good by the Defendant.

XX. Where the Body of the Defendant shall be taken in Execution, yet if any Effects afterwards appear, the Plaintiff may take out another Execution, and levy his Debt upon the same.

XXI. Where Prisoners in Execution have nothing to maintain themselves, upon their Oath thereof before two neighbouring Justices of Peace, and notice to all their Creditors, 10 days before the supream Court, they shall be publickly let to hire at the said Court, and the Moneys arising from the hire shall be paid to such Person as the Court shall appoint to be equally divided among the Creditors. If any Creditor shall refuse to consent that the Prisoner shall be let to hire, such Creditor shall pay the Prisoner 3 *s.* 6 *d.* weekly.

XXII. If the Prisoner so let to hire shall at any time after come to have an Estate, having not satisfied his Debts, a new Execution upon the former Judgment, shall be taken out against his Goods and Chattels (*vid. inf. Prisoners.*)

XXIII. If the Provost Marshal, or Deputy, shall do otherwise than as above directed, or ask or receive any Mile Money for executing a *Venditioni exponas*, he shall forfeit 100 *l.* for every such Offence, half to the King, half to the party grieved.

XXIV. Other Fines mention'd in this Act and not expresly disposed of, shall be half to the King, half to the Informer, to be recover'd in any Court of Record in this Island,

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D.

Debts.

I. ANno 1695. *Act* 16. *p.* 93. A Creditor may stop Arrest, and detain in Prison by due Process of Law, any Debtor that shall attempt to depart this Island, when the Marshal Law is in force and the Common Law suspended, (*vid. Militia, Sess.* 17.) till he shall pay or satisfy the Debt; and in case of such going off or departure, a foreign Attachment may issue against his Goods or Chattels as in time of the Common Law, any thing in any former Act seeming to the contrary, notwithstanding.

II. This Act to continue in force during the present War with *France* and no longer.

III. *Act* 17. *p.* 98. *George Ivey*, Tenant in Taille (he in Remainder having consented thereto) is impower'd to sell and convey, or by his last Will to devise, all or any part of his Plantations, Lands, Tenements, &c. together with the Negroes thereunto belonging, as amply and effectually as if the same were possest by him in Fee-simple, and the Purchasers or Devisees of the same shall be adjudged and taken to be seized thereof as freely as if the said *George* had suffer'd a Common Recovery in the Court of Common Pleas at *Westminster*.

F.

Fast.

I. *ANno* 1695. *Act* 1. *p.* 3. Every 7 Day of *June* (on which Day in the Year 1692, a most terrible and dreadful Earthquake happened in this Island, which laid Wast the Estates and Places of Habitation in General, and destroy'd many hundreds of People, shall be observed hereafter as a Day of Fasting and Humiliation, unless it falls on a Sunday, and then the day after.

II. All Inhabitants of this Island, shall annually upon that Day resort to some Place where Prayers and preaching are used to be ministred, and orderly abide during the Celebration of Divine Service.

III. Every Minister shall give notice to his Parishioners at Morning Prayer the Sunday before every 7th Day of *June*, and provide a Sermon sutable to the occasion, for that Day.

IV. No Persons by themselves, Servants, or Slaves, shall work in their Trade or Plantation on that day; nor any Shop, Tavern, Coffee, or Punch House, kept open on that Day, on Penalty of 40 *s*, half to the Church-Wardens for the Poor, and half to the Informer.

Fees.

I. *Anno* 1684. *Act* 2. *p.* 91. The several Fees due in the Secretaries Office, and in the supream Court, the Provost-Marshal's Fees, The Fees of Inferiour Courts and their Marshals, of the Clerk of the Peace, and Coroners, the Fees of the Great Seal, of the Surveyors, and Lawyers, The Fees of the Naval Office and of the Clerk of the Market, are all ascertain'd and set down, for which see the Act at large.

II. No Stillyards shall be used for weighing in any Market or Hucksters Shop under the Penalty of 20 *s.* for each time, half to the Poor of the Parish, half to the Informer.

III.

III. No Butcher or Turtler shall sell any Meat, or Turtle, by retail, but in open Market, under penalty of 40 *s.* to the Poor of the Parish, recoverable before any Justice of Peace.

IV. What Officer soever, shall demand or take any greater Fees than are allow'd by this Act, and be thereof duly convicted, he shall forfeit 100 *l.* half to the King and half to the Informer.

V. If any Councellor, Lawyer, or Attorney, ask or receive greater Fees than are establisht by this Act, and thereof be convicted, he shall forfeit 10 *l.* to the party grieved, and be uncapable of Practising any more in this Island.

VI. The Secretary, Provost-Marshal, and Clerk of the Supream Court, shall give Bonds with good Security, in the sum of 4000 *l.* for the true performance of their respective Offices. Which Bonds shall be lodged in the Hands of the Chief Justice for the time being, to be put in Suit as occasion shall be. And the chief Justice shall not refuse a true Copy to any Person injured, and produce the Original upon any Tryal.

VII. All other Officers shall give such Security as the Governour and Council shall think fit.

VIII. Whoever shall officiate in any such Office without first giving such Security, and taking an Oath for true performance, with the Oaths of Supremacy and Allegiance, shall forfeit 500 *l.* half to the King, half to the Informer, to be recover'd in any Court of Record, wherein no Essoign, *&c.*

Ferry.

I. *Anno* 1682. *Act* 14. *p.* 40. *William Parker*, his Heirs and Assigns, shall for the space of 14 Years, receive Toll for Passage over the Ferry by him made between St. *Catharines* and St. *Andrews*, for a Man 7 *d. ob.* Horse and Man 15 *d.* Beast 7 *d. ob.* every small Cattle 6 *d.* And the said *Parker* may erect a Tavern or Victualling House near the said Ferry without paying any Licence Money for the same. Provided, he finish a Way or Passage of eight Foot broad, and keep the same in good and sufficient Repair.

II.

II. No other Perſon ſhall preſume to erect or keep a Ferry or Raft over the ſame River for the ſpace of 14 Years, under penalty of 500 *l.* half to the King, and half to the ſaid *William Parker* his Heirs and Aſſigns, to be recovered in any Court of Record in this Iſland; no Eſſoign, *&c.*

G.

Grants.

I. *ANno* 1684. *Act* 11. *p.* 128. All Grants and Patents made for Fiſhery and Shoal-Water in and about Harbours, and the Water before ſeveral Perſons Land, and for Royal Mines, and the Parade in the Town of St. *Jago de la Vega*, and Fiſhery between *Rio Combre* and the Salt River in St. *Andrews* Pariſh, are declared null and void.

II. No Grants or Patents prejudicial to Anchorage, Navigation or common Fiſhery, ſhall be good. Provided, Owners of Land adjoyning upon any Harbour or Creek, may take up the Shoal Water, to make Wharfs or Bridges before their own Land, and none elſe.

III. Grants made of the Parade place upon *Port Royal*, and of 1100 Acres to the uſe of the Pariſh of *Port-Royal*, ſhall be good and Valid; and all other Patents Granted to any other Perſon of the ſame Land, ſince, are null and void.

H.

Highways.

I. ANno 1682. *Act* 3. *p.* 10. The Vestry of each Parish shall upon every third Monday in *January*, chuse 4 or more Freeholders, each having 30 Acres of Freehold, to be Surveyors for the Year insuing, and each Vestry Man neglecting shall forfeit 40 *s.* In default of the Vestry, the Justices shall appoint.

II. Which Surveyors so chosen, or appointed, shall within 10 Days procure themselves to be sworn before a Justice, for the faithful and diligent performance of the Office, upon the Penalty of 10 *l.* sterl.

III. The said Surveyors having view'd the Defects in the Highways and Bridges, shall within 16 Days inform the Justices and Vestry thereof, who shall lay a Tax for the Amendment by the last of *Feb.* or else the Surveyors shall make such Tax in Writing, to be confirm'd by two Justices, *&c.*

IV. The Highways shall be 60 foot wide in standing Wood, 40 where the Wood is only on one side, and 24 in open Ground.

V. The Surveyors have Power to cut down, and remove, Trees, Bushes, Gates, Inclosures, or other things that any way streighten or incommode the Highways, and to dig for Stone, Gravel, *&c.* in any Land not planted or inclosed, as Yard or Garden to a House; also to press any Cart, Carriage, Workman, *&c.* to be employed in the Highways, giving reasonable Satisfaction to the Parties concern'd.

VI. Provided, Gates or Fences shall not be pull'd down where the Gate is at least 10 Foot between Post and Post, and the Way so well kept by Cawsey or otherwise, that two Carriages may meet, and pass each other.

VII. If any Person shall erect or cause any Nuisance in the Highways after it hath been removed, he shall for such Offence forfeit 5 *l.*

VIII.

VIII. Where a new Path or Road is wanting, or old Ways may with more Conveniency be turn'd or alter'd, any Justice of Peace shall, on request, issue his Warrant to the next Constable to summon a Jury, who shall view, lay out, or alter such Paths or Roads with most conveniency, upon their Oaths: which shall be filed and recorded at the next Quarter Sessions of that Parish, under the hands of the Surveyor and Jury. And the Surveyor that neglects his Duty herein shall forfeit 20 *l*.

IX. All Acts and Doings touching the Ways, are to be recorded in the Vestry Book; which Record in all places shall he deemed good Evidence.

X. Surveyors may issue their Warrants to the Constable, or Tything-man, to warn in Workers, or to levy Money according to the Tax or Rate aforesaid. And whoever fails to send in his proportion of Workers, shall pay 3 *s. per* Day upon conviction of his Default.

XI. Every Justice neglecting his Duty in the Premisses, shall forfeit 10 *l*. Every Vestry-man, Surveyor, Constable, Juror, and Clerk of the Vestry (where no Penalty is before set) 5 *l*. for each Offence. Which Forfeitures shall be to the use of the Highways; to be recover'd in any Court of Record, *&c*.

XII. *An*. 1684. *Act* 8. *p*. 123. Such Paths or Roads as have been used for 7 Years past to publick and known Springs, Rivers, and watering Places, shall be laid out and return'd to the Sessions, and there filed and recorded in such manner as is set down above, *Sect*. 8. And where new Fences on both sides of the Path shall be needful, they shall be made and maintain'd by the Precinct.

XIII. *An*. 1695. *Act* 6. *p*. 35. The Path or Road now used from the *Orange* River Plantation in the Parish of St. *Mary*'s, unto the Plantation late of *Andrew Holloway*, at *Wagwater*, and so into the Parish of St. *Andrew*'s, shall be a publick Road or King's Highway between the 2 Parishes of St. *Mary*'s, and St. *Andrew*'s.

XIV. The Path or Road from *Annotta River Bay*, in the Parish of St. *George*'s, leading towards St. *Andrew's*, shall by it nearest Course, fall into the Path coming from the said *Orange River*, and the same shall be a Publick Road or the King's Highway between the Parishes of St. *George*, and St. *Andrew*'s.

XV. The Surveyors of the Highways for the Parish of St. *Mary*'s, shall, as oft as need shall require, clear and

mend

mend the Road from the *Orange* River to the Ford at the foot of the Hill at *Little Tom*'s River. And the Parish of St. *George* shall clear their Road from *Annotta* Bay unto the said place. And the Parish of St. *Andrew* shall clear the said Ford and Road leading from thence unto the said *Holloway*'s Plantation at *Wagwater*, and so forward into the Parish of St. *Andrew*'s.

XVI. The respective Surveyors of the Highways of the said Parishes of St. *Mary*'s, St. *George*'s, and St. *Andrew*'s, shall be subject to the like Pains and Penalties for their Neglect; and in the same manner to be recover'd, and apply'd, as is appointed in the *Act for Highways*, (*sup.* S. 11.)

XVII. Where it shall at any time be found necessary that the said Paths, or any of them, be turn'd or alter'd, it shall be done in such manner as in the said *Act for the Highways* is appointed, (*sup.* S. 8.)

XVIII. *Act.* 16. *p.* 94. Churchwardens and Surveyors of the Highways shall proceed in the Discharge of their Duties, and the Justices and Vestries in the respective Parishes and Precincts, as well when Martial Law is in force, as at any other time, and under the like Penalties for neglect.

XIX. This Act to continue in force during the present War with *France*, and no longer.

Hunting.

I. *Anno* 1682. *Act* 10. *p.* 30. None shall hunt with any Gang of Dogs that is not a Planter and hath at least 5 Acres of Land Planted, under penalty of 10 *l.* sterling, half to the King, and half to the Informer, or he that shall sue for the same. Nor shall any Planter qualifyed own any Hunting Gang of Dogs that are not properly his, or his Mates, or hunted by their Servants, on the Penalty of 10 *l.* sterling.

II. If a Hunting Gang of Dogs do any Prejudice or Damage to any Planter or other Person, the Person damnifyed shall recover Satisfaction by a Justice of Peace if not exceeding 40 s; if more, at common Law.

III. If any Person kill or maim any tame stock by hunting or otherwise, and shall not forthwith discover the same to the next Justice or Constable, he shall pay 5 *l.* besides

besides Damages to be recover'd by the Party injured in any Court of Record.

IV. None shall hunt any Gang of Dogs within 4 Mile of any Crawl or Settlement, except on his own Land, or leave from the Proprietor, penalty 10 *l.*

V. None shall set any Snare or Engine, in any Place whatsoever, except his own planted Ground, under penalty of 40 *s.* for every time he so offends, and to pay all Damages that may happen.

I.

Justices of Peace.

I. *ANno* 1682. *Act* 6. *p.* 16. All Debts, Trespasses, and other matters not exceeding 40 *s.* (where the Titles of Lands are not concerned) shall be heard and determined, without Appeal, by any Justice of Peace of this Island. Who upon Complaint made shall grant a Warrant or Summons, and in case of non appearance, shall issue out a Warrant of Contempt to the Constable, to bring the Contemner before him, and may if he see cause fine the Contemner, not above 10 *s.* for the use of the Parish.

II. After Judgment given, the Justice may grant a Warrant of Distress directed to the Constable, to levy the Fine, Debt, Damages and Charges upon the Defendants Goods, exposing the same to sale and returning the Overplus if any be, and for want of Distress to take the Defendants Body in Execution.

III. The Justice may receive for each Warrant 1 *s.* 3 *d.* and no more. The Constable as much, with 6 *d.* for each Mile he Travels provided the whole exceeds not 5 *s.*

IV. The Justice shall keep a Record of all such Proceedings under the penalty of 10 *s.* half to the Poor, and half to the Informer.

V.

V. All and every Judgment given by any Judge or Justice of Peace in this Island by virtue of any Laws heretofore made, and all proceedings thereupon, are hereby ratifyed and confirmed, and all Judges and Justices, and military Officers that have acted by the said Laws are hereby Indempnifyed, &c. and if any of them be sued, they may Plead the General Issue, and give this Act in Evidence.

L.

Laws, and Law-suits.

I. ANno 1682. *Act* 24. *p.* 72. All Possessions of or Titles to any Lands or Houses whatsoever on valuable Considerations, are ratifyed, and confirmed to the present Possessors, if the said Possessors shall continue in them for the space of seven Years without any Claim or Interruption.

II. In all Writs of Escheat hereafter to be granted, the Provost Marshal shall inquire by a Jury the true value of an Estate which any Person dying without Heirs, was seized of, and after Office found and return'd into the supream Court, and Judgment thereupon given and Recorded, the Governour, or Commander in chief, may grant the said Escheated Estate under the broad Seal of this Island.

III. Provided that a Clause be in the said Grant inserted, that if a right Heir appears and claims within 3 Years, the Grant to be void. And the value of the said Estate shall be secured to be paid into the Treasury by the Grantee at the end of 3 Years, in case no Heir Claims in that time, and in case there be an Heir then to be paid out of the Treasury to such Heir.

IV. All Bills of Sale and Conveyances, made by Husband and Wife and acknowledged before the Judge of any Court of Record in this Island, and recorded, shall be good and valid against the Claims of all Persons whatsoever, as if past by Fine and Recovery at *Westminster*.

V.

V. Where any Improvement is made upon ſuch eſcheated Lands as aboveſaid, by the Patentee during the three Years, the Heir before his entring on the ſame, ſhall ſatisfy the Patentee his Charges and Intereſt for the ſame.

VI. *Act* 26. *p*. 84. All original Acts already made or to be made, ſhall be lodged in the Secretary's Office of Enrolments at St. *Jago de la Vega*. And the Secretary ſhall ſhew them to thoſe who have occaſion to view the ſame, and give Copies of them or any Clauſe in any of them, for which he ſhall be allow'd 8 *d. per* ſheet, 16 lines to a Sheet, and 14 Words to a line. And he ſhall be allow'd for comparing and examining any Copy, containing the whole Body of the Laws, 40 *s*.

VII. The Secretary, or his lawful Deputy in his ſtead, ſhall give Bond with good Security of 4000 *l*. penalty, with Condition *that he ſhall well and faithfully execute the Offices of Secretary and Clerk of the Inrolments of this Iſland of* Jamaica, *and alſo faithfully keep and preſerve in his ſaid Office all and every the Acts of this Iſland,* &c. *and in all things elſe comply with the Duty of the ſaid Office according to the Truſt repoſed in him, and according to the Laws of this Iſland.*

VIII. The ſaid Secretary, nor his Deputy, ſhall not Act in his ſaid Office, till he hath given Bond as aforeſaid, upon the penalty of 500 *l*. for every time of ſuch acting, to be recovered in the ſupream Court of Judicature, by Bill, Plaint, *&c.* wherein no Eſſoign, *&c.* or *Non vult ulterius proſequi*, ſhall be allow'd, one half to the King, the other to the Informer or he that ſhall ſue for the ſame.

IX. Which Bond and Security ſhall be ſufficient to diſcharge him from entring into any other Bond required by any other Act.

M.

Militia.

I. *ANno* 1682. *Act* 23. *p.* 64. No Perſon from 15 to 60 Years of age, ſhall remain unliſted, in Foot or Horſe, for the ſpace of 6 Weeks, under Penalty of 40 *s.*

II. Every Foot-Soldier ſhall be provided with a well fixed Musket or Fuſee, or a good Pike and Sword, or Launce and Piſtol. Each Musketeer ſhall have when he appears, 6 Charges of Powder and one Cartouch Box. Penalty for not appearing 10 *s*, and for want of any due Accoutrements 4 *s.*

III. Every Horſe-Soldier ſhall be provided with a good Horſe of 10 *l.* value at leaſt, with good Furniture, Piſtols, Sword, and half a pound of Powder. Penalty 6 *s.* for want of any due Accoutrements, and 10 *s.* for each time of abſence.

IV. Every Foot Soldier ſhall have at his Habitation 2 pounds of good Powder, and 6 pound of Bullet, and every Trooper at his place of abode, a well fixed Carbine, 4 pound of fine Powder, and 12 pounds of ſizable Bullets, penalty 10 *s.* for each default.

V. A commiſſion'd Officer ſhall not be compellable to Liſt himſelf, by this Act, in any Company or Troop, or ſerve in any Capacity beneath his former Commiſſion, unleſs ſuch Perſon hath been degraded by a Court Marſhal.

VI. No Perſon liſted ſhall depart without his Captains Licence, on penalty of 40 *s.* No Commander of a Company or Troop ſhall refuſe to give a Diſcharge in writing to any that is removing his abode out of the Precincts, under Penalty of 5 *l.*

VII. In the Guards and night Watches at *Port-Royal*, any Perſon liſted may put a well armed Man in his Room, except Commiſſion'd Officers and Serjeants, who ſhall mount the Guards in their turns, in Perſon.

VIII. None ſhall refuſe to be a Serjeant, Corporal, or Drummer, in the Company or Troop wherein he is liſted penalty 5 *l.*

IX

IX. Captains of Foot, or Horſe, ſhall within 6 Months provide Drums and Colours, Trumpets, Trumpeters, and Banners, at their own Charge, under penalty of 10. *l* for every 6 Months they remain unprovided.

X. Colonels ſhall once a year make diligent Inquiry in their ſeveral Precincts, whether all be duly liſted and equipped, on penalty of 100 *l*. And once every 2 Months, or oftner if occaſion be, the ſeveral Companies and Troops in each Regiment ſhall meet and exerciſe. Only the Regiment on *Port-Royal* ſhall exerciſe, one Company every Week, ſucceſſively.

XI. While the Officers and Soldiers are in Arms they ſhall obſerve and keep all the Laws and Articles of War, which the Commander in chief ſhall, in a General Council of War, eſtabliſh, and give out Copies to be publickly read once every 6 Months.

XII. If any ſeek Revenge at any time, upon his ſuperior Officer, he ſhall be puniſht by a Court Marſhal, not extending to Life or Limb.

XIII. Every Captain ſhall once a Year give to his Field Officer, and he to his Commander in chief, fair written Muſter Rolls.

XIV. If any inferiour Officer ſhall neglect or contemn the lawful Commands of his Superiour, he ſhall be puniſht by a Court Marſhal, whoſe Orders in all military Affairs ſhall be binding.

XV. Any Perſon wounded or diſabled in publick military Service, ſhall be cured and maintain'd out of the publick Revenue.

XVI. Any Perſon ſued for any thing done in purſuance of this Act, may plead the General Iſſue, and give the Act in Evidence.

XVII. Upon apprehenſion and appearance of publick Danger or Invaſion, the Commander in chief ſhall put the Martial Law in Execution, and command all things for publick Defence with full Power and Authority, by advice and conſent of a Council of War. But upon Lodging the Colours and diſcharging the Soldiers from their Arms, the Martial Law ſhall ceaſe, and the common Law revive.

XVIII. The Marſhal or Deputy, ſhall not preſume to arreſt a Soldier within one Month after his Diſcharge, nor in his going or coming from the Place of Exerciſe, penalty 10 *l*. &c.

XIX. All Damages sustain'd by any Person or Persons by an Invasion, or drawing together the Forces of this Island, shall upon application to the Governour and Council, be reasonably valued, and forthwith paid out of the publick Revenue, which if deficient shall be supply'd by an Assembly.

XX. Fines imposed by this Act, and not otherwise disposed, if relating to any Person under the Degree of a Captain, shall go to the respective Captains to be levy'd by the Captains Warrant, *&c.* All other Penalties shall be levyed by the Provost Marshal, half to the King, half to the Informer.

XXI. Any Commission Officer of the Regiment on *Port-Royal*, may grant Warrants of Distress against any that neglect their Duty on the night Guards.

XXII. No Boat or Canoa shall pass the Fort at *Port-Royal* without giving notice to the Captain there, under the penalty of 20 *s.* And if the Captain hath reasonable Cause of suspicion, he may stop the said Boat, *&c.*

XXIII. No Person whatsoever shall fire any small Arms after 8 at night, unless upon Alarm or Insurrection, which is to be by the discharge of 4 Muskets or small Arms, distinctly. Offenders herein shall be punisht at the Disscretion of a Court Marshal, not extending to Life or Limb.

XXIV. A Trangressor herein shall be apprehended by the next Commission Officer, under penalty of 5 *l.* and secured by the next Marshal, under penalty of 20 *l.*

XXV. None shall fire a great Gun after Sun-set, under penalty of 40 *s.* to be levyed by Warrant from the chief, Officer, who not performing his Duty herein shall forfeit 10 *l.* This not to extend to the Kings Ships of War, who may fire one Gun for the setting of the Watch.

XXVI. Nothing in this Act shall diminish or abridge the Power of the Governour or Commander in Chief. Nor give him power to do any Act contrary to the known Laws.

XXVII. *Anno* 1684. *Act* 7. *p.* 120. A Night Guard shall be constantly and duly kept at the Town of *St. Jago de la Vega*, consisting of 3 Troopers with a Corporal, and 6 Foot Soldiers with a Corporal, and who shall neglect his Duty herein shall be fined as is appointed for non-appearance by the Act for settling the Militia. (*Sup. S.* 2.)

XXVIII. Any Officer in the Militia may Iſſue out Warrants for Levying Fines and Forfeitures upon any Perſon under the degree of a Captain, and direct the ſame to the Marſhal of the Regiment, or to a Serjeant or Corporal.

XXIX. *Anno* 1695. *Act* 11. *p.* 59. The Juſtices and Veſtry, or Major Part of them in all Pariſhes of this Iſland adjacent to the Sea, ſhall raiſe or cauſe to be levyed ſuch Summs of Money as ſhall ſeem neceſſary for maintaining Night-Watches, Guards, and Look-Outs, in ſuch Places as ſhall ſeem moſt proper for ſerving the Inhabitants, and diſcovering and preventing the Approach of the Enemy.

XXX. Which Monies ſhall be taxed in ſuch manner and form as the Pariſh-Taxes in the reſpective Pariſhes are or ought to be, and collected with the Pariſh Tax, and paid into the Hands of the Church-Wardens for the time being, who ſhall iſſue forth and pay the ſame to ſuch Perſons as are imploy'd in guarding, *&c.* by warrant from the chief Officer of that Place.

XXXI. Every Perſon employ'd in Guarding, Watching, and for Look-outs, that ſhall neglect his Duty, ſhall be liable to ſuch Pains and Puniſhments as if the Articles of War were at ſuch time in force in this Iſland.

XXXII. The Conſtable ſhall retain to himſelf 1 *s.* in the pound for levying and collecting the Tax.

XXXIII. The Juſtices and Veſtry-Men of the Pariſh of *Vere*, ſhall over and above ſuch Money as ſhall be raiſed for maintaining Guards, *&c.* raiſe and cauſe to be levyed ſuch Money as ſhall appear neceſſary to reimburſe ſuch Perſons as have depoſited their Money for Guarding and Look-outs, according to a Subſcription formerly made among the Inhabitants of the ſaid Pariſh.

XXXIV. The Juſtices and Veſtry, or Juſtices where there is no Veſtry, ſhall aſſeſs, and levy ſuch Sums of Money, for the erecting and Keeping of Beacons, and in ſuch Places, as a Regimental Court Martial ſhall think fit.

XXXV. Every Juſtice of Peace and Church-warden that ſhall fail in the Execution of his Duty as aforeſaid, ſhall forfeit 5 *l.* for ſuch neglect, and every Veſtry-man, or Conſtable the Summ of 40 *s.* the ſaid Forfeiture to be recover'd, if not above 40 *s.* before any Juſtice of Peace, and if above, in any Court of Record; half towards the maintaining the Guards and Look-outs in the reſpe-

ctive Parish, and half to the Informer, or he that shall sue for the same.

XXXVI. This Act to continue in force during the present War with *France*, and no longer.

Ministers.

I. *Anno* 1682. *Act* 20. *p.* 53. Any 2 Justices in every Parish shall cause the Freeholders of such Parish to meet, yearly, on the second Tuesday in *January*, to choose 10 Vestry Men and 2 Church-wardens Conformists to the Church of *England*.

II. If the Freeholders do not appear, or do not choose as aforesaid, the Justices may within 10 Days after the time above mention'd, lay a reasonable Tax on the Parish, for maintenance of the Minister and Poor, and for erecting and repairing Churches, and making convenient Seats in them. Such as neglect their duty herein shall forfeit 5 *l*.

III. A Roll of the Tax so made shall be delivered to the respective Constables (with a Warrant signed by 2 Justices) to levy the same by distress, for which they shall have 1 *s. per* pound, *&c*.

IV. Churchwardens chosen as abovesaid shall undertake the Office, and receive and keep a good account of the Monies levyed, and as often as required give a just and true account unto the Justices and Vestry-men of all their Receipts and Disbursements; penalty 5 *l*.

V. The Vestrymen and Churchwardens of the Parishes of St. *Dorothy*, and St. *Thomas* in the *Vale*, (chosen in manner aforesaid) shall lay a Tax, not exceeding 100 *l*. (over and above what shall be imposed on them by the Parish of St. *Catharines*) for the building Churches, to be levied as before is appointed.

VI. Justices and Vestry-men have power to enquire into Arrears of former Subscriptions and Taxes, and to levy the same.

VII. Ministers shall demand no fee for Christnings, Marriage, Churchings, or Burials, but such as shall be allow'd by the Justices and Vestry-men, under the penalty of 5 *l*. half to the Poor, half to him that shall sue for the same.

V

VIII. Where no diſtreſs can be made, an Action of Debt ſhall lie for Churchwardens, and Surveyors, to recover Aſſeſments againſt Perſons aſſeſs'd, in any Court or before any Juſtice of Peace. And the Aſſeſsment produced ſhall be ſufficient Evidence.

IX. None ſhall be aſſeſs'd above 1 *s. per an.* for 100 Acres of Land, and ſo proportionably.

X. Perſons aggrieved in ſuch Aſſeſsments, may appeal to the Quarter Seſſions, provided it be to the ſecond next Seſſions at fartheſt, where they may be relieved, if cauſe, but in no other Court.

XI. The Churchwardens of every Pariſh ſhall provide one fair bound Book, wherein the Miniſter ſhall regiſter the Births, Chriſtnings, Marriages, and Burials, of all Perſons born, *&c.* in the ſaid Pariſh, under penalty of 5 *l.* for every Default, and the Perſon regiſtring ſhall receive as a Fee 15 *d.* and no more. Which Entries duly made ſhall be taken and deemed as an authentick Record. And to falſify, raſe, or imbezel ſuch Entries, or Books of Entry, ſhall be puniſht, as the Laws of *England* provide againſt ſtealing, razing, or imbezeling Records.

XII. The one Moiety of the Penalties mentioned in this Act ſhall be to the poor of the Pariſh, the other to the Informer.

XIII. The Pariſh of *Port-Royal* ſhall pay to the Miniſter thereof 250 *l. per an.* St. *Catharines* 140 *l. per an.* St. *Thomas*, St. *Andrews*, and St. *Johns*, each 100 *l. per an.* and all the other Pariſhes in this Iſland each 80 *l. per an.* to their reſpective Miniſters, as a conſtant yearly Salary; to be paid at their dwelling Houſes every 6 Months without any defalcation, by equal portions. But none ſhall be capable to be preſented to the ſaid Benefices, and receive the Profits of the ſame, unleſs qualifyed according to the Canons of the Church of *England*, and in Deacon, and Prieſts Orders.

XIV. No Miniſter not duly qualified as aforeſaid ſhall preſume to marry any Perſons, under the penalty of 100 *l.* one third to the King, one to the Poor of the Pariſh, and the other third part to him that ſhall ſue for the ſame. And no Miniſter ſhall marry any Perſons whoſe Banes have not been thrice publiſh'd in the Pariſh Church, or have a Licence from the Governour, under the like penalty, and to the ſame uſes as aforeſaid, or 12 Months Impriſonment.

XV. No Ecclesiastical Law or Jurisdiction shall have power to inforce or establish any Penal Mulcts or Punishment in any case whatsoever.

XVI. This Island shall stand and continue divided into these following 15 Parishes, *viz.* St. *Thomas*, St. *David's*, *Port-Royal*, St. *Andrew's*, St. *Catharine's*, St. *Dorothy's*, St. *Thomas* in the *Valle*, *Clarendon*, *Vere*, St *John's*, St. *George's*, St. *Mary's*, St. *Ann's*, St. *James's*, St. *Elizabeth's*.

Money.

I. *Anno* 1682. *Act* 21. *p.* 60. Each single Spanish Dubloon, or French Pistol, shall pass for 20 *s.* currant Money, each single piece of Sevil, Mexico, or Piller, and French Crown for 5 *s.* a Peru piece of 8, for 4 *s.* and so proportionably.

II. To falsify, Diminish, wash, clip, file, or coin, any of the foresaid, or any other Monies Current in this Island, shall be High Treason.

III. No Person whatsoever shall directly or indirectly take for the Loan of any Monies above the value of 10 *l.* for the forbearance of 100 *l.* for one year, and so proportionably.

IV. All Bonds, Contracts, and Assurances, for the payment of Monies lent, whereby there shall be received above the Rates of 10 *per Cent.* as aforesaid, shall be void. And whosoever shall take more, shall forfeit treble the value of the Money lent, one Moiety to the King, the other to him that shall sue for the same.

V. No Gold or Silver Smith shall work, sell, or change, any Wares of Gold less fine than 22 Carrats, nor Wares of Silver less in fineness than 11 Ounces 2 penny weight; nor without his own mark; upon pain of forfeiting the value of the thing so sold or exchanged, for not marking, and Treble the value for selling or exchanging any Gold or Silver Wares of less fineness than aforesaid. One half to the King the other to the Party grieved. Whosoever shall offend the second time shall, upon Conviction, stand one hour in the Pillory and lose his Ears.

N.

N.

Naturalization.

ANno 1684. *Act* 3. *p.* 103. The Governour or Commander in chief, by Instrument under the broad Seal of this Island, may make any Alien or Foreigner, settling and planting here, to be fully and compleatly naturalized, such Alien or Aliens first taking the Oath of Allegiance, and such Person so naturalized shall enjoy the immunities and Privileges of this Island in as ample manner as any natural born Subject.

II. The Governour or Commander in chief shall receive for the same 5 *l.* and his Clerk for writing 10 *s.* and no more; and no other Person any fee, on any pretence whatsoever.

III. Aliens who have formerly purchased here, and sold again, or else their Estates escheated, and granted, the Purchasers, *&c.* are confirmed in the Possession to their Heirs and Assigns forever.

P.

Plantations, vid. Cattel.

Port-Royal.

I. ANno 1682. *Act* 11. *p.* 32. The Lands formerly belonging to *Thomas Bun*, on *Port-Royal*, and by his Attorney sold to diverse Purchasers, but the Letter of Attorney

not

not proved and Recorded, as the Law of this Island requires, ratified and made good to the Purchasers their Heirs and Assigns.

II. *Anno* 1684. *Act.* 9. *p.* 124. No Person whatsoever having Land on the South side of *Port-Royal* between *Christ Church* and the Sea, or at the East End of *Port-Royal* within 200 Foot of the Breast-work, shall presume to build any House or other Fabrick thereon, or if already built, they shall be pulled down.

III. All who have Land or Houses within the said Limits shall be paid for the same out of the Kings Treasury, according to their true value appraised by sworn Appraisers appointed in the Act, which Payment, or tender of Payment, in case of Refusal, shall be a good Bar against any title to any such Lands or Houses within the said Limits.

IV. *Anno* 1695. *Act* 5. *p.* 29. The Justices and Vestry of the Parish of *Port-Royal* or the Major part of them, may Tax and Levy such Summs of Money upon all and every the Freeholders of that Parish, as to them shall seem meet and convenient, for the Wharfing and securing the Town of *Port-Royal* towards the great Sea side.

V. They may also Tax and levy yearly such Sums of Money upon the said Freeholders, at such times as to them shall seem requisite, for repairing and maintaining the said Wharfs. And the Constables of the said Parish of *Port-Royal* shall gather the monies so taxed as aforesaid, and pay the same into the hands of the Churchwardens of the said Parish, deducting to themselves 4 *d.* in the pound for collecting the same. Constable neglecting his Duty herein, shall forfeit for every such Offence, 20. *l.*

VI. In case of Refusal the Monies may be levied by Warrant from any 2 Justices of Peace of that Parish, by Distress upon the Goods and Chattels of the Party refusing, and selling them by Outcry, returning the Overplus if any be.

VII. The Churchwardens of the said Parish shall pay the Money arising by this Act, to such Persons and to such uses, as the Justices and Vestry, or major part of them shall appoint, and keep a distinct Account of the said Monies, and give a true account thereof when required, and also deliver the full Balance to the succeeding

Church-

Churchwardens, or ſuch other Perſon as ſhall be appointed, under the penalty of 50 *l.* for every offence contrary to their Duty.

VIII. If any of the Freeholders of *Port-Royal* happen to be not reſidents or Inhabitants on the Place, an Action of Debt ſhall lie in any Court of Record or before a Juſtice of Peace, for the Churchwardens, againſt any of the ſaid Perſons aſſeſſed by virtue of this Act, their Heirs, Executors, Adminiſtrators, Aſſigns, Agents, or Attornies, for all ſuch ſums of Money ſo aſſeſs'd; and the Aſſeſſment produced ſhall be a ſufficient Evidence for the recovery of the ſaid Summs.

IX. If any Perſon ſeized, or intereſted in any Ground formerly built upon, and the Houſes now deſtroy'd, at the times or by the means of the late dreadful Earthquake ſhall not within 3 Years next inſuing Build on the ſame, then the Judges of the Common Pleas of the ſaid Pariſh, or any one of them, ſhall forthwith cauſe publick Proclamation to be made that the Perſons concern'd rebuild the ſame within the ſpace of 9 Months, and in caſe they refuſe or neglect ſo to do, then any one of the ſaid Judges ſhall cauſe the Provoſt Marſhal to impannel a Jury of the ſaid Pariſh, who ſhall upon their Oaths enquire, eſtimate, and aſſeſs the true Value of the ſaid Ground, according to their Judgments; and after ſuch Enquiry and Valuation, the ſaid Judge or Judges may make ſale of the Fee and Inheritance thereof by conveyance under his or their Hands and Seals, to any Perſon that will purchaſe the ſame at the Price valued by the Jury. The purchaſe Money to be paid into the hands of the Churchwardens of the ſaid Pariſh, and by them paid to ſuch Perſon or Perſons who ſhall have any Eſtate or Intereſt in the ſame.

X. Which ſale ſo made and Enrolled in the Office of Enrolments ſhall be final and concluſive to all other Perſons whatſoever, and ſhall bar them, their Heirs, and Aſſigns, to claim any Title or Intereſt in the Grounds ſo ſold Precedent to the ſaid Sale. And the Purchaſer ſhall hold the ſame free from all precedent Incumbrances, Title, or Charge, The Quit-Rents only excepted.

XI. The Receiver General, and Naval Officer, by themſelves or Deputies ſhall keep their Offices on *Port-Royal*, as formerly; So alſo the Secretary of this Iſland,

under the Penalty of 50 *l.* for every Month that any of them shall neglect so to do.

XII. The Fines and Forfeitures in this Act mention'd shall be half to their Majesties, and half to the Parish of *Port-Royal* for and towards the making and maintaining the Wharfs as this Act mentioned, to be recover'd in any Court of Record, by Action of Debt, *&c.* wherein no Essoign, *&c.*

Prisoners.

I. *Anno* 1684. *Act* 7. No Prisoner shall have the Benefit of the Act that provides *that poor Prisoners may be let to publick hire* (vid. *Courts and Proceedings*, S. 21.) until he or she have first delivered into Court a perfect List of all his or her Debts, Goods, and Monies in this Island, and assign the same to the Provost Marshal for the use of the Creditors, and also make Oath *that he or she hath delivered in a true and perfect List and hath not made over, conceal'd, or any ways secured any Goods &c. excepting 5 l. for necessary subsistence.*

II. The Goods, Debts and Monies, so assigned and delivered to the Provost Marshal, shall be by him accounted for and paid to the Creditors to be equally divided among them, as by the foremention'd Act directed.

Pyrates.

I. *Anno* 1682. *Act* 8. *p.* 19. Felony for any Person belonging to this Island, to serve in *America* in an Hostile manner against any Foreign Prince, State, or Potentate, in Amity with the King of great Britain, without special Licence under the Hand and Seal of the Governour. And every such Offender being thereof convicted in the Supream Court of Judicature, shall suffer Death without benefit of Clergy.

II. This shall not extend to those who are now abroad in foreign Service, and shall return to this Island and leave such Service, before the first of *January* next, and give such Security as the Governour shall appoint, for their future Good behaviour, and not to depart the Island without the Governours Ticket.

III.

III. All Treasons, Felonies, Piracies, Roberies, Murthers or Confederacies committed upon the Sea, or in any Haven, or Bay, where the Admiral hath Jurisdiction, shall be inquired, tryed, and adjudged within this Island as if such Offence had been committed upon the Land. And to that end Commissions shall be under the great Seal of this Island directed to the Judge of the Admiralty for the time being, and such other Persons as by the Governour shall be named and appointed, who shall have full Power to do all things about the inquiring, hearing, adjudging, and punishing any the Crimes aforesaid, as any Commissioners under the great Seal of *England* appointed by *Stat.* 28. *H.* 8. are impower'd to do in *England.*

IV. All Tryals heretofore had against any such Criminals by virtue of such Commission or Authority and all Proceedings thereupon, are hereby ratifyed and confirmed, and the Judges and Officers indempnified.

V. All Persons who shall knowingly entertain, conceal, trade, or correspond with any Person that shall be deemed Privateer, Pirate, or other Offender within this Act, and shall not readily endeavour to apprehend or cause to be apprehended such Offender, may be prosecuted as Accessaries and Confederates.

VI. All Commission Officers in their several Precincts shall, upon notice given that Privateers, Pirates, *&c.* are within their Precincts, raise such number of Men as needfull, seize, and carry them to the Gaol, and in case of Resistance, they may kill and destroy such Person or Persons, and all such as resist by striking or firing upon any of the commanded Party, shall be adjudged Felons without benefit of Clergy.

VII. Every Officer who shall omit or neglect his Duty herein shall forfeit 50 *l.* to be recover'd in any Court of Record in this Island, one Moiety to the King, the other to the Informer. And all Persons who upon Orders refuse to repair with his Arms to the place appointed, immediately, or not readily obey commands, shall be fined by a Regimental Court Marshal, at discretion.

VIII. Provided, that the Governours Assent to this Act shall not be construed to the determining this present Session of Assembly.

Q.

Quit-Rents.

I. *ANno* 1682. *Act* 9. *p.* 23. A Patent under the great Seal of this Island, and recorded in the Office of Inrolments, shall Evidence the Patentees just Right and Title to all Lands, and Houses, *&c.* in the said Patent granted, and be a good Bar to the King, *&c.*

II. The Keeper of the Seal, or Chancellour, shall the next Tuesday before each Grand Court, cause all such Grants and Patents as are in Office, to be sealed at St. *Jago de la Vega*. And all inferiour Officers concern'd, are then and there to attend.

III. All Lands granted, or to be granted by the King, upon Surveys made, shall be good to the Patentee and Assigns, for all Lands within the survey, any misnomer, misbounding, mistaking of the Quantity, or other Error notwithstanding; and all such Grants shall be taken as strongly against his Majesty as the Grants of any other Person should or ought to be.

IV. Provided, where the King or Patentee are aggrieved by mistake in Quantity, a Re-Survey shall be made by one Surveyor indifferently sworn between both Parties. Upon which a Confirmation of the former Grant shall issue, reciting the Error, and reserving the same Rent as in the said Grant, according to the just Quantity found by the Re-survey. For which Confirmation the Chancellour shall receive 10 *s.* and the Clerk of the Patents 8 *s.* to be paid by the party requiring the Re-survey. No Retrospection shall be had of what Rent should have been paid, be it more or less.

V. If a Plot of a Survey being given into the Patent-Office varies from the Run and marked Lines, those Lines shall be adjudged the true bounds of the Lands granted.

VI. Land granted before the 25 of *June* 1671. shall for arrears and growing Rents, pay for every 30 Acres, 1 *s.* yearly, and so proportionably for every Parcel under

100 Acres, and for every 100 Acres 2 *s.* 6 *d.* and proportionably for a greater Quantity. And for all Lands from the foresaid time to the 12 of *March* 1674, one half penny *per* Acre: And for foot-Land, one half penny *per* foot Square, as a certain establisht Quit-Rent and acknowledgment to his Majesty for ever.

VII. The Receiver of the said Quit-Rents, shall yearly at the Feast of St. *Michael*, and *Lady-day*, keep his Office in the Towns of St. *Jago de la Vega*, and *Port-Royal*, one month in each Place, from the Hours of 8 to 11 in the forenoon, and 2 to 5 in the afternoon, then and there to receive the said Quit Rents from the Persons, concern'd, and thereof to acquit and discharge them, on the penalty of 5 *l.* Sterling, one half to the King the other to the Informer.

R.

Rates and Prizes.

I. *ANno* 1682. *Act* 4. *p.* 13. None shall demand and receive for Meat any greater Rate or Price, than here limited, *viz.* for fresh Beef or Goat 4 *d. per* pound, for Mutton 6 *d.* to be weighed without the Heads, entrails, or Feet, and the Sewet shall be sold at no higher Rates than the Meats aforesaid; penalty 20 *l.* for every Offence.

II. If any Person shall refuse to sell Beef, Mutton, or Goat, by weight, he shall forfeit 20 *l.*

III. Who ever shall destroy any Turtle Nests, or take away any of the Eggs thereof, he shall forfeit 40 *s.* or receive as many Lashes on the bare Back as any Justice shall order, not exceeding 39, for every Offence. One third of the Money to the King, one to the Church Wardens of the Parish, and the other third part to the Informer, to be recover'd in any Court of Record, &c.

IV.

IV. *Act* 7. *p.* 18. All Vintners and Retailers of *Madera* Wines, or Brandy, that shall receive above 15 *d.* the quart for *Madera* Wine, and 2 *s.* 6. *d.* the quart for Brandy, and so proportionably, shall forfeit 40 *s.* for every Offence, to be levy'd by Warrant of any Justice of Peace where the fault is committed, half to the Church-Wardens, half to the Informer.

V. *Ann.* 1695. *Act* 7. *p.* 37. No Person upon any Pretence whatsoever, shall sell in any publick Market within this Island any fresh Beef, or Goat, for any higher price than 4 *d. per* Pound; Mutton, 6 *d.* Veal, Breast and Loyn 9 *d.* other parts 7 *d. ob.* Hog, weighing 12 Pound the quarter or under 7 *d. ob.* if weighing above 6 *d. per* Pound, Lamb or Kid, 7 *d. ob.*

VI. Meat brought into the Market to be sold for Veal, if weighing above 25 *l.* the quarter, shall be adjudged Beef; Lamb above 8 *l.* the quarter, shall be deemed Mutton.

VII. Lamb shall be brought into the Market with the Head on, and shewn before cut up, with the usual Signs of Distinction, that small Mutton may not be sold for Lamb.

VIII. No Person whatsoever shall sell Turtle, or any of the foresaid Meats by retail, but in open Market, where they shall not refuse to sell the same by weight to any Person bringing ready Money, without imposing upon the Buyer, *&c.*

IX. The Place appointed by the Justices in Sessions for the selling the sorts of Meats in this Act mention'd, shall be deemed the publick Market Place, and the Market shall be adjudged open, upon ringing the Bell; which on Saturdays shall be at 3 in the afternoon, on all other Days, except Sunday, at 5 in the Morning.

X. All and every Person, whether Buyer, or Seller, or Officer offending against any particular in this Act, shall forfeit 40 *s.* for every such Offence, half to the Church-Wardens of the Parish, and half to the Clerk of the Market, or Informer, to be recovered before any Justice of Peace.

Register.

Register.

I. *Anno* 1682. *Act* 13. *p.* A Deed made in due Form of Law, and within 3 Months acknowledged, or proved by Oath, before the Governour, or one of the Judges of this Island, and the same Recorded in the Office of Inrolments, at St. *Jago de la Vega*, within the said three Months, shall be valid and pass the Estate without Livery, Seizin, Attornment, or any other Ceremony in the Law, and no Deed not so enrolled shall pass any Estate for above 3 Years.

II. Provided, old Deeds or Conveyances heretofore made of Lands or Houses, and omitted to be recorded, upon being acknowledged or proved, and recorded in the Office of Enrolments shall be effectual and of force.

III. If a second Sale or Conveyance of the same Land, be made by the same Vendor, and executed and recorded before the first, the last Vendee (if the Sale were for a valuable Consideration) shall enjoy the Land. And if any Vendee hath omitted to execute and enroll his Deed within the due Time, but shall at any time after have done the same, no second Sale being made by the Vendor; the same shall nevertheless be good to the Vendee, and a perpetual Bar to the Vendor.

IV. All Deeds and Conveyances made out of this Island, and remitted hither, and proved before the Governour, or a Judge as aforesaid; and all Deeds personally acknowledged before the Lord Mayor of *London*, and Court of Aldermen, and an Attestation thereof under the Seal of the City, and recorded here in the foresaid Office, within 6 Months after the Arrival of the Ship that brought the same, shall to all Intents and Purposes be good and valid.

V. Provided, if any Person here, lawfully impowered, shall in pursuance of that Power, make sale of any Lands, *&c.* to any Person within this Island, and the Deeds duly proved and recorded, before any Conveyance from the Proprietor be here produced, proved, or recorded; the Deed so made and passed here shall stand good and effectual.

VI. The Mortgagee having received the Mony lent, shall at the Request of the Mortgager, enter Satisfaction on

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the Margin of the Mortgage recorded in the Office of Enrolments, which shall be a perpetual Discharge and Release of the same; and if such Mortgagee shall not within 3 Months after request and tender of his reasonable Charges, make acknowledgment of satisfaction, as aforesaid; he shall forfeit and pay to the Party grieved 50 *l.* to be recovered in any Court of Record, *&c.*

VII. The Judge before whom such Deeds or other Writings shall be made, may receive for every Deed of the Value of 20 *l.* or more, 10 *s.* if under the Value, 5 *s.* and no more. Penalty, 20 *l.* half to the King, half to the Informer.

VIII. The Clerk of the Enrolments may receive for enrolling and copying an ordinary Deed, or Patent, *&c.* 5 *s.* if longer than a Patent, 8 *d. per* sheet, 20 lines to a sheet, and 8 words to a line; for every short Writing, 1 *s.* for recording every Plot, 1 *s.* 3 *d.* for entring Satisfaction in the Margin of a Mortgage recorded, 1 *s.* 3 *d.* and no more. Penalty 10 *l.* to the Uses abovesaid.

IX. All Patents already granted shall be enrolled within 6 Months, and all hereafter granted shall be enrolled within 6 Months after the Sealing.

X. All Leases heretofore made, or to be made of any Orphan's Estate by his Guardian, during the Orphan's Minority and no longer, shall be good and valid in Law.

XI. Provided, this Act shall not abridge the Power given by the Parent to any Guardian; nor to impower any Guardian to lease the Estate of an Heiress longer than till she compleat the Age of 14 Years.

XII. The Clerk of the Enrolments, or whoever executes that Office, shall find 2 Sureties who with himself, shall be bound to the King in the Penalty of 2000 *l.* for the true and faithful Execution of that Office, and for the keeping the same in the Town of S^t. *Jago de la Vega*, which Bond shall be recorded in the Supream Court of Judicature, and kept by the chief Justice of the same. And whosoever after Publication of this Act, shall officiate in the said Office without giving such security as aforesaid, he shall forfeit 500 *l.* to be recovered in any Court of Record; one Moiety to the King, the other to the Prosecutor.

Relief.

Relief.

Anno 1695. *Act* 14. *p.* 84. For the immediate Relief and Support of the poor distressed Inhabitants of this Island who suffered by the late Invasion of the *French*, the Summ of 1300 *l.* by a former Act ordered to be paid to Coll. *P. B.* and the Summ of 162 *l.* appointed to be paid into the Hands of Coll. *E. S.* for the Defence of *Fort-William*, &c. shall be forthwith imployed for the Relief abovesaid, and for the Relief of the sick and wounded Persons in the late Expedition to *Woirly-wood* against the Enemy, and to no other Use whatsoever. And the Clauses in the said Acts directing the Payment of the said Summs to the said Coll. *P. B.* and Coll *E. S.* repealed. (*Vide* Taxes, *Sect.* 120, 123.)

Rivers.

I. *Anno* 1682. *Act* 18. The Governour shall issue out a Commission in the Nature of a Commission of Sewers, under the broad Seal of this Island, appointing 12 Freeholders out of the Parishes of St. *Andrews*, and St. *Catharines*; whereof 5 shall be a *Quorum*, who shall have Power to lay a Tax upon all such Persons who have Lands bounding upon the River *Cobre*, or Town River that passeth by St. *Jago de la Vega*, or whosoever shall receive any Advantage by clearing the said River, or by turning the present Course of it some other Way, which shall seem most necessary.

II. The Limits of the said Tax shall extend upon all the Lands bounding on both sides the River, from *Cow-Park* to the Mouth of the said River.

III. Every Commissioner shall be sworn to lay a reasonable Tax upon the Lands or *Negro's*, or both, and to the best of his Skill execute the said Commission. And whoever of the said Commissioners shall refuse to be so sworn, shall forfeit the Summ of 5 *l.*

IV. Whoever shall wilfully fell any Trees, and cast the same, or any Cane, Trash, or Rubbish into the same River, or any other River coming into the same, shall forfeit 5 *l.*

V. Both which Forfeitures shall be, one 3d. to the King, and the other 2 shall go towards the Expence of preventing the overflowing of the said River, or cutting a new Channel.

VI. Every Commissioner that shall meet and sit, shall for every Day of his sitting receive 5 *s.* towards his Expence, out of the Moneys levied.

VII. The said Commissioners or any 5, shall have full Power to survey and view the Lands that use to be overflowed, and all the Lands and *Negroe's* within the Bounds and Limits aforesaid to tax, as well for the clearing the old Channel of the said River, or for making a new if necessary, as also for keeping it clear after it shall be cleansed, or turned: They shall also appoint Surveyors, Collectors, and Over seers, to levy, receive, and lay out the Moneys to be expended about the Premises, *&c.* and allow them reasonable Salaries.

VIII. The said Commissioners or 5 of them, may by Warrant under their Hands and Seals, command the taking of any Cart, Wain, or *Negroes*, of any Person within the Bounds and Limits aforesaid, to help in the Work; provided the Owners of such Carts, *&c.* are not then making Sugar, and that they take not above 5 *Negroes* for a Week out of the same Plantation, and that the Owners of the said *Negroes*, Carts, *&c.* shall be allowed reasonable Hire for the same.

IX. The said Commissioners or 5 of them shall give Warrants to levy the Moneys assest, by Distress and Sale of Goods, and in default of such Distress, to sue the Factors or Attorneys of such as have Lands within the said Limits.

X. Constables, *&c.* shall be aiding and assisting in levying the said Taxes, and shall have 12 *d.* in the Pound for so doing.

XI. If any Action be brought against any Person for any thing done by Authority of this Act, he may plead the General Issue, and give this Act in Evidence, and the Defendant shall have treble Damages for his wrongfull Vexation.

XII. If any new Channel be cut through any Persons Land for the Conveyance of the said River, all such Damage as he receives thereby shall be valued by 5 or more of the Commissioners, and satisfaction made out of the Moneys levied. And whatsoever Lands shall be

reco-

recovered, by means of draining what is now overflown, it ſhall belong to the firſt Proprietor.

XIII. This Act to continue in force for the Term of five Years and no longer.

S.

Salt.

I. ANno 1684. *Act* 14. *p.* 150. Sir *Charles Modyford*, Bar. his Heirs, Executors, *&c.* ſhall yearly furniſh each Family or Plantation in the Pariſhes of St. *Catharines*, St. *Thomas* in the Vale, and St. *Dorothy*'s, according to a Note of each black or white belonging to the ſaid Family, with Salt; the Maſter, Miſtriſs, or Overſeer of ſuch Family deſiring the ſame, and tendring their Money at the Court-houſe in St. *Jago de la Vega*, from the 5th Day of *January*, to the 16th of the ſame, *viz.* 1 s. *per* Buſhel, not exceeding half a Buſhel *per* Head; ſo that the whole exceed not 5000 Buſhels for the ſaid Pariſhes.

II. Such Pariſhioners that neglect to make their Claim as aforeſaid, and thoſe claiming and ſetling their Proportion of Salt, from the Salt Ponds of the ſaid Sir *Charles*, between the firſt of *May*, and laſt of *Auguſt*, yearly; they ſhall loſe the Benefit of this Act for that Year.

III. For every Buſhel of Salt duly claimed and demanded, and not delivered at the Salt Ponds, the ſaid Sir *Charles*, his Heirs, *&c.* ſhall forfeit and pay to the Parties grieved 2 *s.* to be recovered by Warrant of any Juſtice, if not exceeding 40 *s.* otherwiſe in any Court of Record, wherein no Injunction, Protection, or Wager of Law ſhall be allowed.

IV. If the ſaid Sir *Charles*, his Heirs, *&c.* ſhall ſell or diſpoſe of any Salt, before he hath delivered, or ſecured, ſuch Quantities as ſhall be claimed, and paid for as appointed by this Act, he or they ſhall pay to the Par-

ties grieved 5 *s.* for every Bushel, wanting to compleat their respective Parcels, any Act, Deed or Patent to the contrary notwithstanding.

S.

Seamen, &c.

I. *ANno* 1695. *Act* 3. p. 20. All Persons shall be and are hereby acquitted, Pardoned, and Discharged, against their Majesties and all others whatsoever, from all Penalties incurr'd by serving under the *French* King, and of all Crimes and Offences (Treason and Murder excepted) and of all Depredations by Sea or Land, and all Misdemeanours committed before 1693, and of and from all Penalties and Pains for the same.

II. All Persons that have committed Piracy or Robbery by Sea, (and not Murder, or Treason) that shall come hither and submit themselves within 10 Days after their Arrival, and give Security for their future good Behaviour, shall by Virtue of this Act, receive from the Commander in chief, their Majesties gracious Pardon under the great Seal of this Island, for which Pardon the Parties to whom it is extended shall pay the Summ of 40 *s.* and no more, as a Fee to such Officer as shall be appointed to receive the same.

III. The Attorney General, or any other Officer whatsoever, who shall directly or indirectly exact any Summ of Money of any Person to whom such Act of Mercy is extended, shall forfeit the Summ of 100 *l.* half to their Majesties, and half to the Party injured, to be recovered in any Court of Record, *&c.* where no Essoin, *non Pros.* &c. shall be allowed.

IV. This free Pardon shall be as good and effectual in Law to the Persons before mentioned, as if the Offences had been specified, and pardoned by proper and express Words and Names, and shall be as largely and beneficially understood as may be for the Advantage of the Parties intended to be pardoned.

V. All

V. All Persons that shall come and reside here, and claim the Benefit of this Act, and be employed in the Service of this Country in the Privateering Trade, or otherwise, shall be protected and excused from the Payment of their Debts contracted before their coming hither, or their going off from hence, for 5 Years. During which time all Actions, Arrests, Process, Suits, Judgments, Executions, and all Prosecutions whatsoever, against them, shall be suspended, and respited, during the said time, and no longer. But after the Expiration of the said 5 Years, the said Persons shall not plead the Statute of Limitations.

VI. If any Suit or Action, hereby, suspended, shall be commenced or prosecuted, every Person so sued may plead the General Issue, and give this Act and the special Matter in Evidence; and if the Plantiff shall be Nonsuit, discontinue, or a Verdict pass against him, the said Plantiff shall for ever forfeit and lose his original Debt so sued for, and besides pay the Debt double Costs and Charges.

VII. Provided, no Person shall take any Benefit or Advantage by this Act, who shall not within 20 Days after his Arrival cause his Name to be entred in the Office of Enrolments for this Island, and claim and demand the Benefit of the same; which Entry and Claim shall be as effectual as if the said Person had been herein expresly named, and an attested Copy of the said Entry and Claim shall be pleaded in any Court, and of as much Authority, and Force, in the Law as this present Act, or a special Pardon under the broad Seal.

VIII. The Secretary or Clerk of the Enrolments shall not refuse to make such Entry, and Claim as aforesaid, and give an attested Copy thereof, or take more than 15 *d.* for such Entry, and the Copy thereof, under the Penalty of 10 *l.* to him who shall sue for the same.

IX. The Clause in the Act against Privateers and Pirates, whereby it is enacted that all Persons who shall entertain, conceal, or trade with any Person deemed a Privateer, or Pirate, and shall not readily endeavour to apprehend such Offender, shall be liable to be prosecuted as Accessaries and Confederates (*Vide* Pirate, *Sect.* 5.) repealed and annulled.

Servants.

I. *Anno* 1682. *Act* 2. *p.* 3. Every Master of Slaves, for the first 5 working Slaves, shall be obliged to keep one white Man-servant, Over-seer, or hired Man, for 3 Months at least, and for 10 Slaves 2 Whites, and for every 10 more, One; to be resident in the Plantation where the *Negroes* are employed. On Penalty of 5 *l.* for every Servant wanting of the Proportion aforesaid, to the Use of the Parish.

II. All Masters and Owners of Slaves who shall not truly inform the Constable, when required, of all their hired Men or Servants, and working Slaves, belonging to them or under their Care, shall forfeit the Summ of 20 *l.* one third Part to the King, one to the Church-Wardens to the Use of the Parish, and the other to the Informer. And every Constable that shall neglect his Duty herein by not demanding an Account every 6 Months, and returning the same to the next Quarter-Sessions of that Precinct, shall for every such Default forfeit 20 *l.* to the same Uses as aforesaid.

III. All Servants shall serve according to Contract, and where there is none, Servants under 18 Years of Age at their Arrival in this Island shall serve 7 Years, and above 18 shall serve 4 Years; and all convicted Felons for the Time of their Banishment; and at the End of such Times shall receive from their Master or Employers 40 *s.* and a Certificate of their Freedom; and he that refuses such Certificate shall forfeit 40 *s.*

IV. Whoever shall employ any free Person without a Certificate from the last Employer, shall forfeit 10 *l.*

V. None shall presume to trade with any Servant, or Slave, without the Master or Mistresses Consent, on Penalty of forfeiting trebble the Value of the thing traded for, and 10 *l.* to be recovered by the Master or Mistress in any Court of Record. And all Contracts with Servants or Slaves shall be void.

VI. If any Servant, or hired Labourer, shall lay violent Hands upon his or her Employer, or Over-seer; such Servant or Labourer shall, upon Conviction, serve without Wages 12 Months, by Order of any Justice of Peace.

VII. A hired

VII. A hired Labourer or Servant that ſhall embezel, purloin, or waſt his or her Employer's Money or Goods, ſhall ſerve or make ſatisfaction at the Diſcretion of any Juſtice of Peace, if above the Value of 40 *s.* they ſhall ſerve 2 Years without Wages, and further in Caſe that Time will not ſatisfie. If they purloin, *&c.* from any other than their Owners, they ſhall ſerve the Party injured as aforeſaid, after their Time expired with their preſent Owners.

VIII. If a Freeman get a Woman-ſervant with Child, he ſhall upon proof by the Woman's Oath, give good Security to ſave the Pariſh harmleſs, and alſo forfeit and pay to the Maſter, or Miſtreſs of ſuch Servant 20 *l.* and provide for the Maintenance of the ſaid Servant and Child. And in Caſe of Failure herein, he ſhall ſerve the Maſter or Miſtriſs double the time the Maid was to ſerve at the time of the Offence committed, or procure one to ſerve in his ſtead.

IX. If one Servant get another with Child, the Man-ſervant ſhall ſerve the Maſter or Miſtreſs of the Woman-ſervant double the Time ſhe had to ſerve at the time of the Offence committed.

X. If a Man-ſervant marry without his Maſter or Miſtriſs's Conſent, he ſhall ſerve 2 Years for the Offence; but if a Freeman marry a Servant, he ſhall pay to the Maſter or Miſtriſs 20 *l.* and his Wife ſhall be free.

XI. All Suits between Servants and their Maſters relating to their Freedom, ſhall be heard and determined by 2 Juſtices of Peace without any Appeal.

XII. Servants abſenting from their Service, without Leave or a Ticket, ſhall for every Day's abſence, ſerve 1 Week, and ſo proportionable for a longer time, the whole not exceeding 3 Years.

XIII. If any turn away a ſick or infirm Servant, and ſuch Servant ſhall die for want of Relief, or become chargeable to any Pariſh, the Offender ſhall forfeit 20 *l.* to the Uſe of the Pariſh where ſuch Death or Charges ſhall happen. But if any Servant through wilful Misbehaviour, happen to have the *French-pox*, Yaws, or any other Diſeaſe, broken Bones, Sickneſs, Impediment or Impriſonment; he, or ſhe, ſhall ſerve double the Time thereby neglected; and alſo for all Charges occaſioned by reaſon thereof at 10 *s.* *per* Month, after their firſt

Time expired. Alſo Maſters and Miſtreſſes who receive unjuſt Moleſtation by Complaints or Suits at Law, ſhall have the like Remedy for their Expence and loſs of Time.

XIV. No Servant ſhall be whipt naked without order from a Juſtice of Peace, on Penalty of 5 *l.* to be recovered by the Party injured in any Court of Record.

XV. Whoſoever ſhall not give to each white Servant weekly, 4 Pounds of good Fleſh, or good Fiſh, with ſuch convenient Plantation Proviſion as may be ſufficient, ſhall forfeit to the Party injured 10 *s.* for each Offence: And not yearly give to each Servant 3 Shirts, 3 Pair of Drawers, 3 Pair of Shooes, 3 Pair of Stockins, 1 Hat or Cap, and to Women proportionably, ſhall forfeit to the Party injured 40 *s.*

XVI. No Maſter, *&c.* ſhall ſuffer to be buried any Chriſtian Servant till the Body ſhall be received by ſome Juſtice of Peace, Conſtable, or Tithingman, or 2 ſuch Neighbours as they ſhall appoint: Penalty 20 *l.* Unleſs the Party died 10 Miles from any Juſtice, *&c.* and hath been viewed by 2 of the next Neighbours, or 2 of the ſame Family, or that the Juſtice, *&c.* hath not come within 6 Hours after notice. And whoever upon notice given and requeſt made, ſhall not within 4 hours repair to view, or on the view finding any ſuſpicious Signs of unlawful Death, ſhall not forthwith give notice to the Coroner or to the next Juſtice of Peace, he ſhall forfeit 10 *l*

XVII. Whoever ſhall entertain a Servant, knowing him to be ſo, ſhall for every Day and Night after the firſt, forfeit 5 *l.* but not knowing him to be a Servant, 20 *s.* ſo that the whole exceed not treble the value of the Servants time remaining to be ſecured. This Clauſe not to extend to Servants by Contract made in this Iſland, nor to ſuch as carry with them a Certificate of their Freedom, atteſted under the Name of a Juſtice of Peace, though the ſame be falſe or forged, but ſuch Forger, Falſifier, *&c.* ſhall be ſet in the Pillory, and loſe his Ears upon Conviction.

XVIII. Who ever ſhall entertain a Servant any time, if during the ſaid time the Servant be drunk, Trade, or Game, the Entertainer ſhall forfeit the Summ of 20 *s.* half to the Pariſh, half to the Informer.

XIX. If

XIX. If a Servant or hired Labourer hide or entertain another man's Servant or Slave, he ſhall forfeit one years Service to the Maſter or Miſtreſs of ſuch Servant or Slave, or have 39 Laſhes on the bare Back, at the Election of the Party injured.

XX. No Perſon ſhall Ride, Load or Carry on his Employers Horſes, Cattle, Carrs, or Carriages, (or ſuffer the ſame to be done) any Goods others than his Maſters or Miſtreſſes, without their Conſent: Penalty 3 Months Service for every default.

XXI. All Conſtables and Tithingmen ſhall be diligent in Searching for and apprehending run aways, on Penalty of 20 *l.* for every neglect; and upon apprehending, the Servant ſhall be conveyed to the Maſter or Miſtreſs, if known, on penalty of 40 *s.* if not known, to the next Common Gaol. The bringer to be paid by the Maſter, or Miſtreſs, or Gaoler, 8 *d. per* Mile, ſo as the whole exceed not 40 *s.* Which the Gaoler ſhall pay under the penalty of 40 *s.* and keep the Runaway till the Maſter, *&c.* refund to him the ſaid Summ, and 2 *s.* 6 *d. per* pound for diſburſing the ſaid Money, as alſo 6 *d.* for every 24 Hours that the Runaway hath been in his Cuſtody. But if he ſuffer ſuch Runaway to Eſcape, before he be duly delivered to his owner, he ſhall pay ſuch Damages as ſhall be given by a Jury at Common-Law.

XXII. Any one may take up any ſuſpected Perſons, and carry them before any Juſtice to be examined.

XXIII. The Captain, or other Commiſſioned Officer, ſhall yearly Publiſh this Act, at the head of their reſpective Company or Troop, under Penalty of 5. *l.*

XXIV. The Fines and Penalties of this Act, not otherwiſe declared, ſhall be one Moity to the King, the other to the Informer, to be recovered, if not exceeding 40 *s.* before a Juſtice of Peace; if above in any Court of Record wherein no Eſſoign, *&c.*

XXV. No Perſon ſhall be ſued, moleſted, or troubled for any Fine or Forfeiture upon this Act, unleſs within 2 years after the Offence committed.

XXVI. *Act* 12. p. 33. No Merchant, Maſter, or Importer of white Servants, ſhall preſume to ſell any ſuch, before they have been 10 days imported: Penalty 10 *l.* for every one ſo ſold, half to the King, and half to the Informer.

XXVII. The

XXVII. The Masters of the Ship shall not disimbark them during the said 10 days, under the Penalty aforesaid. During which time the Factor or Seller shall pay the Master for their Diet.

XXVIII. The Master or Commander of any Ship or Vessel that shall import the Number of 50 white Male-servants, shall, upon due Proof thereof, be for that Voyage freed from paying any Port-charges for the said Ship or Vessel wherein the said Servants were imported.

XXIX. Debts contracted for Servants sold within this Island, may be recovered by Warrant from any Justice of Peace, as Debts not exceeding 40 *s.* (*vid Justice of Peace.*)

After the 25 of *March* next, no Cooper or Porter in this Island shall use any *Negro* Slaves in their Trades or Occupations, under penalty of 20 *l.* for every such offence, to be disposed as aforesaid. Except Masters of Sugar Works who may make Cask at their Plantations, or other convenient Place, as heretofore.

Ships and Vessels.

I. *Anno* 1684. *Act* 1 p. 88. The Master of every Ship or Vessel, before they trade, or Land any Goods within this Island (living Creatures excepted) shall give Security in the Secretaries Office, with one sufficient Freeholder or well known Merchant, in the Summ of 1000 *l.* not to carry off any Person without the Governour's Ticket; nor depart himself without the Governour's leave, under the Penalty of 50 *l.* one third part to the King, one third to the Governour, and one third to the Informer.

II. Provided, Masters of Sloops and Vessels trading to and from Ports in this Island, or in Turtling, or Fishing, need to give such Security but once every year. And Masters of any Vessels belonging to the Inhabitants of this Island shall be obliged to give such Security but once in 6 Months.

III. The Secretary shall not deliver any Person a Ticket under the Governors hand, to go off the Island, unless his name hath been set up 21 days at the Secretaries office both at St. *Jago de la Vega*, and at *Port-Royal*, and the

said

ſaid Perſon ſhall alſo bring one or more of good Credit to make affidavit before a Juſtice of Peace, that he hath known him or her to go by that Name, for one Year, or ſo long as he or ſhe hath lived in the Iſland. Which Affidavit ſhall be filed in the Secretary's Office. Or, otherwiſe the Secretary ſhall take good ſecurity for the Payment of ſuch Perſons Debts ſo departing. On default of ſo doing the Secretary ſhall be liable to ſatisfie the Creditors of ſuch Perſon himſelf.

IV. Provided, if the ſaid Bonds are not ſued within 2 Years after the Date, they are hereby declared null and void.

V. The ſaid Bonds ſhall be taken in the King's Name, but ſhall be to the only Uſe, and in Truſt for the Perſons concerned. And when put in ſuit, the Judgment ſhall be in the ſame Nature as the Bonds were.

VI. No Execution ſhall iſſue thereupon before the Party aggrieved ſhall ſue out a *Scire Facias* againſt the Defendant, to ſhew Cauſe why Execution ſhould not iſſue; and if the Plantiff in the *Scire Facias* ſhall duly prove what Damages he hath ſuſtained, and a Verdict thereupon, the Judge ſhall award Execution for ſo much as the Jury ſhall find. And the former Judgment ſhall ſtill remain cautionary for the ſatisfaction of ſuch others as ſhall legally prove themſelves damnified, *&c.*

VII. The Secretary or his Deputy ſhall keep his Office both at *Port-Royal*, and St. *Jago de la Vega*, and due Attendance ſhall be given at both Places, on all Days except Sundays, and ſuch Holy-days as are uſually obſerved in this Iſland. Under the Penalty of 20 *l.* one Moity to the King, the other to the Informer.

VIII. *Act* 4. *p.* 104. No Perſon employed in any Shallop, Boat, Wherry, or other Veſſel, ſhall demand for Tranſportation more than the Rates following; from *Paſſage-Fort* to *Port-Royal*, *Salt Ponds*, or St. *Andrews*, in the Day 2 *s.* 6 *d.* and in the Night 3 *s.* or of every Perſon 6 *d.* He that refuſes to carry at that Rate ſhall forfeit 20 *s.* to the Poor of the Pariſh. The Freight of Goods between the ſaid Places 3 *d.* *per* Hundred, *&c.*

IX. From the North-ſide of the Iſland to any Part of the South-ſide, 1 hundred Weight 2 *s.* Barrel 3 *s.* Hogshead 8 *s.* every Head of great Cattel alive 10 *s.* a Sheep or Hog 1 *s.* every Paſſenger 2 *s.*

X. From

X. From *Port-Royal* to *Port-Morant*, or *Richardson*'s Bay, 9 *d. per* Hundred, 5 *s. per* Hogshead, for Wood 10 *s. per* Tun, every Passenger 1 *s.* 6 *d.*

XI. From *Port-Royal* to St. *Davids* 6 d. *per* Hundred, 4 s. *per* Hogshead, every Passenger 1 *s.* for Wood 10 *s. per* Ton.

XII. From *Port-Royal* to *Point Negril*, and *Point Pedro* 18 *d. per* Hundred, 6 *s. per* Hogshead.

XIII. From *Aligator*-Pond, *Milk*-River, and *Carlisle*-Town, to *Port Royal* 1 s. *per* Hundred, &c. From *Old Harbour* 6 d. *per* Hundred.

XIV. He that demands greater Rates than set down in this Act shall forfeit 10 *l.* for every Default, one half to the King, the other to the Informer.

XV. No *Negro*, *Indian*, or *Mulatto*, shall be permitted to row in any Wherry, or Canoo without one white Man. And all Boats, Wherries, and Canoos shall be chained, and their Sails and Oars secured every Night. The Master or Owner of any Wherry offending herein, shall forfeit 10 *l.* to be disposed as aforesaid.

XVI. Masters and Owners of Wherries, &c. shall have 6 Months time to furnish themselves with white Men.

XVII. Traders about the Island shall every time they arrive at *Port-Royal*, leave an Account of their Lading at the Naval Office. Which shall be a sufficient Entry and Discharge, if their Loading be nothing but the Growth and Production of this Island.

XVIII. Whosoever shall be indicted and convicted of the stealing or taking away any Shallop, Boat, Wherry, Canoo, or other Vessel, from any Part of this Island, or shall be consenting, aiding or assisting to the same, shall be adjudged guilty of Felony.

XIX. If the Intention and complotting of any Person, so to do, shall evidently appear by Proof or Confession, he shall be condemned by the Justices at the Sessions to pay the Summ of 10 *l.* to the King. Which if not presently paid, the Justices shall expose the Offender to publick Sale for the Payment thereof, not exceeding 4 Years: If the Party be a Servant he shall be ordered to be whipt on the bare Back, not exceeding 39 Lashes, and after the Time expired with his Master, Mistress, or Imployer, be sold for 4 Years.

XX. No

XX. No Seaman belonging to any Ship ſhall be truſted for any thing, and whoever truſts or retains any of them in his Houſe, ſhall loſe his Money, and be alſo proceeded againſt, and Subject to the Penalties as for retaining other Men's Servants (excepting Matter of Trade.) *Vide Servants*, S. 17.

XXI. If any Victualler or Retailer of Liquors, truſt any Sea-fairing Man, not generally reſiding in this Iſland, above the Value of 40 *s.* though he have a Bond for the ſame, he ſhall loſe his Money.

XXII. If any Commander entice away any Seaman belonging to another Ship before he be lawfully diſcharged, he ſhall forfeit 15 *l.* half to the King, and half to him that ſhall ſue for the ſame.

XXIII. All Warrants from Juſtices of Peace againſt any Perſon aboard any Ship within the Precincts of *Port-Royal*, ſhall be directed to the Provoſt Marſhal, or Deputy, or any lawful Conſtable of the Place, who are hereby impowered to execute the ſame, and for ſo doing to receive 3 *s.*

XXIV. Whatſoever Seaman ſhall deſert the Ship he belongs to, and ſhall be found after the Departure of the ſaid Ship, and cannot produce ſufficient Proof of his being diſcharged by the Commander thereof, he ſhall by Order of any one Juſtice of Peace receive 31 Laſhes on the bare Back by the Common Hangman, or other inferiour Servant.

XXV. No Perſon whatſoever without leave of the Chief Officer upon *Port-Royal*, ſhall go on Board any Ship at her entring into Harbour, till the Marſhal or his Deputy hath firſt been on board with the Maſter, and brought him on ſhoar to the Chief Officer: Penalty 40 *s.* half to the Informer, half to the Poor of the Pariſh.

XXVI. Nor ſhall any Perſon whatſoever treat about any Merchandize or Commodity to the Value of 10 *s.* nor any Quantity of Freight till the Maſter hath been with the Governour, or ſuch other Officer as he ſhall appoint, under the Penalty of 50 *l.* one half to the King, the other to the Informer.

Slaves.

Slaves.

I. *Anno* 1684. *Act* 7. *p.* 119. No Master of any Ship or Vessel shall presume to carry off this Island any Slave or Slaves, without a Ticket under the Governour's Hand, wherein shall be inserted the Owner's Name, who shall make Oath before a Justice of Peace, that the said Slave or Slaves is his or hers, *&c.* upon forfeiture of double the Value of such Slaves so carried off without Ticket, one half to the King, the other to him that shall sue for the same. For which Ticket the Secretary shall receive 2 *s.* 6 *d.* for his Fee, but shall insert as many in the same as the Owner of the Slaves shall require.

II. *Act* 13. *p.* 140. None shall give leave to any *Negro*-slave, except such as wait upon their Person, or wear Liveries, to go out of their Plantations, without a Ticket or White-servant, in which Ticket is to be exprest their Name, from whence, and whither going, on Penalty of 40 *s.* and paying for taking up as Run-aways. And whosoever shall not apprehend a wandring *Negro*-slave in his Plantation (except as before qualified) and not punish him by moderate whipping, shall forfeit 40 *s*

III. If a *Negro*-slave strikes any Person, except in Defence of his Owners Person or Goods, he shall for the first Offence be severely whipt by Order of a Justice of Peace; for the second, by the like Order, be severely whipt, his or her Nose slit, and Face burnt in some Place; and for the third Offence, left to 2 Justices, and 3 Free-holders to inflict Death, or what other Punishment they think fit.

IV. All Men-slaves shall have Drawers and Caps, and Women Petticoats, once every Year.

V. No Slave shall be free by becoming a Christian, but shall as to the Payment of Debts be accounted Chattels. And where other Chattels are not sufficient so many Slaves, as necessary, shall be sold for Payment of Debts. In all other Cases *Negroes* and Slaves shall be taken as free-hold, and descend accordingly.

VI. No Person whatsoever (except the Provost Marshal at the Gaol of St. *Jago de la Vega*) shall keep any Run-

Run-away-ſlave above 10 Days. Nor ſhall the Provoſt Marſhal, or any other, employ any ſuch, or ſuffer any to want convenient Food and Water: Penalty 40 *l.* If any ſuch die in their Cuſtody for want of Food or Water, or convenient Lodging, the Perſon in whoſe Cuſtody ſuch *Negro* was, ſhall pay the Owner 50 *l.* to be recovered by Action of Debt in any Court of Record in this Iſland.

VII. Whoever ſhall take up a Run-away-ſlave, ſhall bring him to his proper Owner, if known, and receive for their Pains 1 s. *per* Mile for the firſt 5, and 8 *d. per* Mile for all over, the whole not exceeding 40 *s.* If the Owner is not known he ſhall be delivered to the Marſhal, upon Pain of forfeiting 20 *l.* for every Day he ſhall keep ſuch Slave beyond the ſaid 10 Days.

VIII. The ſaid Taker-up ſhall ſet up an Account of his own Name and Place of Abode, with a particular Deſcription of the Slave in his Cuſtody, at St. *Jago de la Vega*, and *Port-Royal*, on Penalty of 200 *l.*

IX. The Marſhal ſhall enter the ſaid Account in a Book, and take a Receipt from the Perſon to whom he delivers any Run-away.

X. In caſe the Marſhal ſhall refuſe to make Payment for the taking up of a Run-away ſlave, any Conſtable by a Juſtice of Peace's Warrant, may levy the Value thereof by Diſtreſs and Sale of the ſaid Marſhal's Goods.

XI. The Marſhal may detain and keep in Cuſtody all ſuch Run-aways brought unto him, till the Owner pay him the full Summ which he paid for them, 2 *s.* 6 *d. per* Pound for his laying out the Money, and 6 *d.* for every 24 Hours ſuch Slave hath been in his Cuſtody. If the ſaid Marſhal ſuffer any ſuch Slave to eſcape, to be employed, and to be out of his Cuſtody, before he ſhall be delivered to the Owner, he ſhall forfeit to the Owner 50 *l.*

XII. All Owners of Slaves ſhall cauſe their Slave's Houſes to be diligently ſearched over every Fortnight, for Clubs, wooden Swords, and miſchievous Weapons, and finding any, cauſe the ſame to be burnt. Alſo upon Requeſt, ſearch for ſtoln Goods, and Fleſh not honeſtly come by. Things found and ſuſpected to be ſtoln, ſhall be ſeized, and a Deſcription in writing ſent to the Clerk of the Pariſh, or next Court, who ſhall give notice

thereof, and the Owner making due Proof that the Goods belong to him, shall have them, paying the Clerk 1 *s.* for his Publication. The Party that refuses to restore such Goods to the Owners shall forfeit 20 *l.*

XIII. If any Slave shall take up a Run-away, he, or she, shall have the whole Benefit thereof; and if any deprive the Slave of the said Benefit, he shall forfeit treble the Value.

XIV. No Person whatsoever shall attempt to steal, or carry off any Slave, on Penalty of 60 *l.* And he that actually doth it shall be guilty of Felony, without Benefit of Clergy.

XV. Any Person may ruinate and destroy any Plantation deserted for the Space of 2 Months, lest it become a Receptacle for Fugitives.

XVI. Upon Complaint of any hainous and grievous Crime committed by any Slave, as Burglary, Robbery, burning of Houses, killing or stealing of Cattel, *&c.* the Justices shall issue out their Warrants, and upon probable Proof, the Offender shall be committed or bailed as the Case shall require. And 2 Justices shall issue their Summons to 3 sufficient Free-holders appointing a Day and Place, when and where the said Justices, and the 3 Free-holders, shall hear the Matter, and if upon Evidence the Party appears guilty, they shall give Sentence of Death or such other punishment as the Crime by Law deserveth, and by their Warrant cause immediate Execution to be done. But if the Crime shall not deserve Death, they shall adjudge the Criminal to the Party injured, and Heirs for ever (after corporeal Punishment) unless the Owner of the Slave shall pay to the Party injured such Summ of Money as the said Justices and Free-holders shall appoint. And if any Justice or Free-holder shall neglect his Duty herein, he shall forfeit 20 *l.*

XVII. If any of the said Crimes be committed by more than one *Negro*, that shall deserve Death, one of the Criminals, only, shall suffer Death, as Exemplary, the Rest returned to the Owners, which Owners shall bear proportionably the Loss of the *Negro* put to Death, and pay proportionably the Damage done by the said Criminal to the Party injured; and any of them shall refuse to pay his Part allotted, the Justice and Free-holders aforesaid shall issue their Warrant to raise the same by Distress, and Sale of the Goods and Chattels of the Person so refusing.

XVIII. E-

XVIII. Every Commiſſion Officer ſhall, upon Notice given him of the Haunt, or hiding Place of any Run-away *Negroes* raiſe a Party of Men, not exceeding 20 and with them purſue, apprehend, and take the ſaid Run-aways alive or dead. Whatſoever Commiſſion-Officer ſhall neglect his Duty herein ſhall forfeit 20 *l.*

XIX. If any Slave commit Murder, riſe in Rebellion, or make any Preparation of Arms, Powder, *&c.* or Conſpire for that end, he ſhall be tried by two Juſtices, and three Freeholders, with Judgment and Execution in like manner as before expreſt. And if any Perſon ſhall make away or conceal any *Negroes* ſuſpected of the foreſaid Crimes, and not upon demand bring forth the ſuſpected Party he ſhall forfeit 100 *l.*

XX. The Marſhal ſhall give an Account at every Seſſions, of what *Negroes* he hath in Priſon at St. *Jago de la Vega*, and *Port-Royal*, with their Marks and Seals, and the time they have been in their Gaol, in Writing, on Penalty of 100 *l.* for every default.

XXI. All Owners of Plantations ſhall have at all times one Acre of Ground well planted with Proviſions for every five *Negroes*, and ſo proportionably, under the Penalty of 40 *s.* for every Acre wanting.

XXII. No Maſter or Owner of Slaves ſhall let out any Slave for Hire, to work upon *Port-Royal* as a Common Porter, penalty 20 *l.* for every offence.

XXIII. If any Slave by puniſhment from his Owner for running-away, or other Offence, ſuffer in Life or Limb, none ſhall be Liable to the Law for the ſame; but who ever ſhall kill a Slave out of Wilfulneſs, wanttonneſs, or Bloudy mindedneſs, ſhall ſuffer three Months Impriſonment, and pay 50 *l.* to the Owner of the Slave. If the party ſo offending be a Servant he or ſhe ſhall have on the bare Back 39 laſhes, and alſo (after the expiration of the term with his or her Maſter, or Miſtreſs) ſhall ſerve the Owner of the deceaſed Slave the full term of 4 Years.

XXIV. If any Perſon kill a Slave, Stealing or running away, or found by Night out of his Owners Ground, Road, or Common Path, ſuch Perſon ſhall not be ſubject to any Damage, or Action for the ſame.

XXV. A *Negro* taken ſtealing Wood in Boat or Canoo's, and thereof convicted, ſhall be condemned to ſerve the Owner of the Land where the offence was

Committed, 6 Months, without any Satisfaction to the Owner of the Slave.

XXVI. All Masters of Boats, Wherries, and Canoo's plying at *Port-Royal*, shall give their own Bonds of 50 *l.* not to carry any *Negroes* without a Ticket (except as before, *S.* 2.) Which bonds shall be taken the in Kings name and Proceedings thereupon in such manner as is appointed in an *Act requiring Masters of Ships to give Security*, &c. (*vid.* Ships and Vessels, *S.* 6.) The Secretary, in whose Office the Bonds shall be recorded may take one Shilling for each Bond, and no more.

XXVII. If such Masters of Boats, *&c.* shall not within 40 Days give such Bonds to the Secretary, they shall forfeit 40 *s.* for every week after.

XXVIII. This Act shall be read in all Parish Churches by the Clerk yearly, the first Sunday after Christmas day, and first after Midsummer, and where there are no Churches, by the Clerk of the Peace of the Precinct, every other Sessions. Penalty 5 *l.* for each default

XXIX. Penalties mentioned in this Act and not otherwise declared, shall be recoverd before a Justice of Peace, if not exceeding 40 *s.* if more, by Action of Debt, one Moiety to the King, the other to the Informer.

Slaves, &c.

XXX. *Anno* 1695. *Act* 15. p. 88. All Servants who receive no Salary, which shall do any good Service against the Enemy, the *French*, and can prove the same before the Commissioners, shall forth-with be freed; and the said Commissioners shall upon Enquiry value and appraise the time the Servant had to serve, and give him a Certificate mentioning his name, and the Party to whom he belongs, with the Summ the Owner ought to receive for him, which being entered in the Secretaries Office, shall be a sufficient Testimony of the Servants Freedom, and a good Proof for the Owner to recover the Summ he was appraised at.

XXXI. All Slaves that have or shall, during this War with *France*, do any remarkable good Service against the Enemy, and make proof thereof before the said Commissioners, shall be freed; The said Commissioners shall give such Slave a Certificate mentioning his name and to whom

whom he belongs, and the Price he was appraiſed, and valued at (which is not to exceed 50 *l.*) and the ſame being entered in the Secretaries office, ſhall be a ſufficient diſcharge of his Slavery, and a Proof for the Owner to recover his value, which as well for Servant as Slave, ſo ſet free, is to be paid out of the Money to be raiſed for that Purpoſe.

XXXII. Upon Proof made before the ſaid Commiſſioners of any *Negro* or Slave killed in Service, during the War, the Owner ſhall receive ſuch Summ of Money as the Commiſſioners ſhall think fit, not exceeding 50 *l.*

XXXIII. If any Owner or Over-ſeer, ſhall hinder any Servant or Slave from repairing to the Commiſſioners to make their Pretenſions and claim their Freedom, he ſhall forfeit the Servant or Slave, who ſhall be made free, and no Satisfaction given.

XXXIV. *Richard Loyd*, *Francis Roſe*, *James Baniſter*, *Thomas Bindlos* and *John Walters*, Eſquires, or any three of them, are appointed Commiſſioners to hear and determine Claims by vertue of this Act, to adminiſter Oaths, to iſſue out Warrants for Perſons to attend and give Evidence and to Impriſon for three Months ſuch as refuſe to obey their Warrants; and their determination concerning Freedom of any Servant or Slave ſignified under their Hands and Seals ſhall be final, and without Appeal.

XXXV. *Nicholas Laws*, *Edward Stanton*, *Modiford Freeman*, *Joſiah Heathcote*, and *James Bradſhaw*, Eſquires, or any three of them, are appointed Commiſſioners, to here and determine the like Claims in the Pariſhes of *Kingſton*, St. *Andrews*, St. *Davids*, *and* St. *Thomas to Windward*, in the ſame manner, with like Power and Authority as is given to the Commiſſioners afore-mentioned.

XXXVI. The Commiſſioners firſt above mentioned (*S.* 34.) or any three of them ſhall meet on *Thurſday*, 9th of *Auguſt* 1694, at St. *Jago de la Vega*, and ſo every Thurſday for 6 weeks following, and then to adjourn as they think fit.

XXXVII. The other Commiſſioners mentioned (*S.* 35) or any three of them ſhall meet at *Kingſton* Thurſday 9th of *Auguſt* 1694 and ſo every Thurſday for 6 weeks following, and then adjourn as they think fit.

XXXVIII. And all Marſhals and Conſtables are hereby required to give their attendance, and execute the orders

orders of the Commissioners, and the Secretary, to keep a Book wherein to enter the Certificates of Freed Servants and Slaves, taking 15 *d.* for his Fee, and no more.

XXXIX. All Accounts for Provisions furnisht to their Majesties for Man and Horse, for Publick Work, for materials for Fortifications, and all other matters relating to the defence of this Island, shall be stated and adjusted by *Samuel Lewis*, and *John Walters* Esquires, at St. *Jago de la Vega*, *Charles Whittle*, and *Charles Sadler*, *at* Port-Royal; *Edmund Edlin*, and *Samuel Foxley*, at *Kingston*; and a Certificate under the Hand and Seal of any one of them shall be sufficient to entitle the Party concerned to receive the Money due to him, without further Proof.

XL. This Act to continue in force during the present War with *France*, and no longer.

Surveyors.

I. *Anno* 1684. *Act* 5. p. 111. None shall Act as a Surveyor-General, before he hath given Security in the Summ of 4000 *l.* for the faithful performance of his Office and Trust, which Bonds shall be kept and recorded in the Secretaries Office, and Damages recovered thereon in such manner as directed in the *Act requiring Masters of Ships to give Security*, &c. (*vid.* Ships and Vessels, *S.* 5. 6.)

II. Provided, any Person may survey and resurvey any Land where the King is not Party, but where he is, only the Surveyor-General, or such as are authorized by the Governour shall survey.

III. The Surveyor-General, or other Person lawfully authorized, as a foresaid, shall execute every Order or Warrant directed to him for surveying within a Reasonable time, *viz.* within the Parishes of St. *Catherines*, *Port-Royal*, or St. *Andrews* within one Month, and in the most Remote Parishes in the Island, within 6 Months, upon Penalty of 100 *l.* for every such default, one Moiety to the King, the other to the Party aggrieved or him that shall sue for the same.

IV. If any cause the Surveyor to take a Journey, and when he comes to the place assigned, the Party shall not be there ready to shew him the Land to be surveyed, he shall pay the Surveyor 10 *s. Per diem*, for every day he shall so lose.

V. The

V. The Surveyor General or his Deputy ſhall keep his Office at St. *Jago de la Vega*, under the penalty of 500 *l.* to the uſes aforeſaid, and ſhall there attend from eight to eleven in the forenoon, and from two to five in the Afternoon, except Sundays and Holy-days, under the Penalty of 40 *s.*

VI. A Power left in the King and his Officers, to reexamine the Surveyors for what concerns his Majeſty.

VII. *Act* 6. p. 113. No Surveyor ſhall deliver any Plat, before he hath himſelf actually ſurveyed and meaſured the ſaid Land on every ſide, where acceſſible, and ſeen the Lines made, and corner Trees marked, and inſerted a Scale of the ſame, under the Penalty of 50 *l.* for every default.

VIII. The Surveyor before he run upon any Land already taken up, ſhall give notice thereof to the Owner or Poſſeſſors of the ſame, if he know them, if not to the two next Neighbours, under penalty of 20 *l.*

IX. No Surveyor ſhall ſurvey or lay out any Land to paſs the broad Seal of this Iſland, for his own uſe, but ſhall imploy ſome other Surveyor to do it, under penalty of 50 *l.*

X. All Surveyors who have given Plats whereby any Parcel of Land hath paſſed the broad Seal of this Iſland without actual Surveying on all ſides where feaſible, ſhall on requeſt to them made at any time, compleat a former Survey according to the Plat by them given running Lines, and marking Trees according to Cuſtom; but no Surveyor is obliged to reſurvey or cut Lines in Lands that have been Patented more than 4 years. Surveyors that upon requeſt ſhall deny, refuſe or delay to rectifie Errors in ſuch manner as aforeſaid, ſhall forfeit for every three Months delay, 20 *l.* half to the King, half to the Informer.

XI. Every Surveyor when an order for Survey is offered him, ſhall immediately take a Memorandum of the place, time and particulars, and writing the ſame on the Back of the Order, ſhall Survey the Land accordingly. And if he hath received an order already which he believes is for the ſame Land, he ſhall then declare the ſame, and ſhew the order if required, under the penalty of 40 *l.* for every default.

XII. Every Surveyor shall return 2 Plats upon every Survey to the patent-Office, one to remain there, the other to be affixt to the Grant.

XIII. The Clerk of the Patents shall accordingly fix one of the Plats to the Grant, and keep the other in the Office without Imbezelment; and the Secretary shall record the Plat next to the respective Grant or Patent. The Clerk of the Patents may receive for writing an Original Patent 10 *s.* and no more. And the said Clerk, and Secretary, offending against any Clause of this Act, he or they so offending shall forfeit 20 *l.* for every offence.

XIV. Every Surveyor, Clerk of the Patents, or other Person having in his Possession any Original Plat, shall on request give a true Copy of the same, for 2 *s.* 6 *d.* Penalty 40 *s.* One half to the Church-Wardens for the use of the Poor, the other to the Party complaining.

XV. Every Surveyor may receive 3 *d. per* Acre for Surveying any quantity of Land, and no more.

XVI. Every Surveyor before he Acts shall give Bond with sufficient Surety, in the Summ of 300 *l.* for the true and just performance of his Office, under the Penalty of 50 *l.* The Bond to be kept in the Secretaries Office, to be put in suit (if occasion be) in the same manner as is declared, *Tit.* **Ships and Vessels**, *S.* 6.

XVII. If the Surveyor General keep his Office, and perform his Duties as herein required, he may imploy Deputies as formerly, but his Bond of 4000 *l.* shall remain Cautionary for Security both as to himself and his Deputies.

XVIII. If any Person having an Original Plat in his Custody, shall not return the same into the patent Office, by the 10th of *March* next, he shall upon due Conviction forfeit 100 *l.*

XIX. All Penalties in this Act mentioned, and not otherwise directed, shall be one half to the King, the other to him that shall sue for the same, in any Court of Record, wherein no Essoign, &c.

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Taxes.

I. ANno 1684 *Act* 7. p. 121. The Surveyors of the Highways in the ſeveral Pariſhes, ſhall upon any ſuddain and extraordinary Occaſion of repairing the ſame, repreſent it to the Juſtices of the reſpective Precinct, who ſhall thereupon lay a Tax upon the Inhabitants of the ſaid Precinct of ſuch Money, Labour, or other things, as ſhall ſeem neceſſary for the Immediate repair of the ſaid Ways.

II. *Act* 12. p. 129. For the repairing of Forts, and defraying many neceſſary Charges in and about the Government of this Iſland, an Impoſt is granted to the King of Liquors and Goods imported, *viz.* upon all *Spaniſh* and *Madera* Wines, 4 *l. per* Tun; Wines of the Weſtern Iſlands, or mixture therewith, 10 *l. per* Tun; *French* and Rheniſh Wines, 3 *l. per* Tun; Brandy, 1 *s. per* Gall. *Engliſh* Spirits, 3 *d. per* Gall. Bear and Sider, 8 *s. per* Tun; Mum and Metheglin, 40 *s. per* Tun; White Sugar, 10 *s. per* Hundred; Muſcovados and Panial Sugar, 6 *s. per* Hund. *Indico*, 6 *d. per* pound, Tobacco, 2 *d. per* Pound, Ginger, 10 *s. per* Hund. Rum, 1 *s.* 6 *d. per* Gall. *Cocao*, 10 *s. per* Hund. and ſo proportionably.

III. Importers ſhall within 20 days after Landing, make up Accounts and give Bonds of double the value, and thereupon ſhall be allowed 10 *per* Cent. for Leakage, and ſhall pay one 3 *d.* part at the end of 2 Months from the making up ſuch Accounts, one 3 *d.* part at the end of the 4th Month, and the remainder at the end of the 6th Month.

IV. Every Hogſhead of Wine or other Liquor that ſhall not have 7 Inches or above left therein, and a Butt or Pipe 9 Inches, ſhall be accounted for outs, and the Importer pay no Cuſtom for it.

V. Liquors

V. Liquors that prove bad, *&c.* shall be Surveyed (if controversie happen) by Warrant from the Naval Office, which shall be returned upon Oath.

VI. Such importers as make not up their Accounts within 10 days (being thereunto required) shall lose the Benefit of the 10 *per* Cent. for Leakage, and the time given for payment. And if the Receiver be put to sue for the same, the Defendant shall pay treble Damages.

VII. If the Master when he makes his Entry in the Naval Office owns to have imported *Madera* Wines, he or the Boat-swain shall make Oath, *that the Wines taken in at the Island of* Madera, *and that he doth not know but the said Wines are of the growth of that Island without any mixtures*, &c. If he refuse to make such Oath, the Wines shall be taken to be of the growth of the Western Islands, and shall pay accordingly.

VIII. Liquors and Goods exported within a year after Importation shall be allowed a draw-back of half what was paid for Custom, which the Collector or Receiver shall repay or discount, under the Penalty of Double the Summ to the Party grieved.

IX. All Ships and Vessels coming from the Northward of the Tropick of Cancer, shall pay for every Tun such Vessel contains one Pound of Gunpowder, every time they arrive, but such as Trade Southward of the said Tropick shall pay the like once a year and no more. The Collector shall receive the said Duty in *Specie*, and not Money, or other thing, in lieu thereof, Penalty 20 *l*.

X. Goods Landed without the Presence of the Collector or other appointed by him, before Entry made, payment of the Duty, or Bond given, after Sunset and before Sunrising, with intent to defraud the King of his Customs, shall be forfeited; two thirds to the King, and one third to the Informer or Seizer, to be recovered in any Court of Record. And all Persons shall be aiding and assisting to the Receiver, Informer, Discoverer, and Seizer herein.

XI. The Receiver and his Agents, may by Warrant from any Justice of Peace and with a Constable, search any House, Cellar, Ware-house, and Shop, for concealed Good and Liquors, which being found shall be forfeited and condemned, provided the search be within three days after Information.

XII. The

XII. The Collector or his Deputy shall attend at his Office from 9 to 11 in the morning, and from 2 to 4 in the Afternoon, upon penalty of 20 *l.*

XIII. Such as have Licence to sell and retail any strong Liquors, shall pay for the said Licence, and every year renewing 5 *l.* to the King. And such as presume to sell without Licence, shall forfeit for every such Offence the Summ of 10 *l.*

XIV. Such as come to Settle in this Island, and bring Rum, Sugar, Tobacco, *&c.* for their own Conveniency, shall declare the same upon Oath at the time of Importation, or make the same appear within three Months after arrival, by some Visible Effect; in such case the said goods shall not be chargeable with any Duty or Customs except only what he shall sell and dispose of which must pay as in other cases.

XV. All the Kings Quint-rents, and all the Revenue hereby granted, shall be applied and appropriated to the Support of the Government of this Island, and the contingent Charges thereof, and to no other use.

XVI. The Summ of 1250 *l. per An.* arising as aforesaid shall be annually paid and appropriated to the repairing, building, and Rebuilding, his Majesties Forts and Fortifications in this Island.

XVII. The Collector or Receiver-General shall charge the 1250 *l.* so appropriated as aforesaid, in a distinct Book of accounts, which Book shall be free and open at all office-hours for all Persons to view, without fee; And the said receiver-General shall, when required by the Governour, Council, or Assembly, give in upon Oath a true account of the Disburstments out of the said 1250 *l. per An.*

XVIII. The said Receiver-General shall, with sufficient Security, enter into Bond of 5000 *l.* penalty (to be kept and recovered in the Secretaries office) with Condition *truly to account for all such Money as shall come to his hands, and well and truly pay the Summ of* 1250l. *yearly by Warrant of the Governour and Quorum of the Council towards the repairing and building Fortifications,* &c. And in case the said Collector or Receiver-General shall Act in the said Office longer than 20 days without giving such Security as aforesaid, or shall misapply any part of the said 1250 *l.* he shall for every such Offence forfeit the Summ of 2500 *l.* one half to the King, the other to

him

him that shall sue for the same, in any Court of Record, wherein no Essoign, Injunction, Wager of Law, or *Non Pros.* shall be allowed.

XIX. The Collector, Receiver or Deputy, shall not pay any part of the said 1250 *l. per An.* or any Summ arising from the Quit-Rents, or by Virtue of this Act, without a Warrant under the Governour's Hand and Seal. And if the said Collectors, *&c.* shall pay any Moneys contrary to the true intent and meaning hereof, or if any other Person or Persons shall misapply any of the Moneys so appropriated us aforesaid, the Offender shall forfeit and pay treble the Summ so mispaid.

XX. All Forfeitures and Penalties in this Act mentioned, and not otherwise disposed of, shall be one half to the King for the support of the Government, and contingent Charges; the other half to the Informer, to be recovered in any Court of Record, *&c.*

XXI. This Act shall continue in force for the Term of 21 Years, and no longer.

XXII. *Anno* 1695. *Act* 2. *p.* 5. For and towards the buying or hiring, victualling, and manning 2 good Sloops of War, each carrying 50 Men, to be employed for 6 Months, towards guarding the Sea-coasts, and cruising, *&c.* and also for and towards the raising of 2 Parties, each of 10 Soldiers and 2 Officers, for 6 Months, towards the reducing rebellious *Negroes.*

XXIII. Enacted that the Summ of 4303 *l.* 3 *s.* 9 *d.* be assest, taxed, and laid by the Justices and Vestries, or where no Vestries, by the Justices of that Parish or Precinct, on all and every Person, within their several and respective Precincts, by an equal and just Tax, according to the several Rates and Proportions following.

XXIV. For every *Negro, Indian,* or *Mulatto* Slave, to be paid for by the Owner or Possessour 1 *s.* 6 *d.* For every Horse, Mare, Colt, Mule, Ass, and Neat Cattle 7 *d. ob.* For Sheep, Lambs, Goats, Kids 2 *s.* 6 *d. per* Score.

XXV. All Over-seers and hired Servants shall be assest 6 *d. per* Pound upon the Wages they receive *per An.* All Handicrafts and Tradesmen shall be rated according to the Direction of the Justices and Vestry in the several Parishes where they reside.

XXVI. In

XXVI. In the Parish of *Port-Royal*, there shall be assest and levied 1 *s.* in the Pound on all Rents, to be paid by the Tenants, and allowed by their Landlords, and upon the several Inhabitants for their Trades, Occupations and Callings. And also on all Persons residing at the Town of St. *John de la Vega*, 1 *s.* in the Pound to be paid by the Tenants, and allowed by the Landlords, *&c.* And the like for those residing at *Kingston*, to be rated by the Justices of the Parish of St. *Andrews*.

XXVII. The Jews residing in this Island shall pay, over and above the Tax as afore assessed, the Summ of 750 *l.* to be rated, assest, collected, and paid by *Solomon Ararii*, *Jacob de Leon*, *Moses Toiro*, *Jacob Mendez Guteres*, *Jacob Henriques*, *Jacob Rodrigues de Leon*, *Moses Jesurun Cardoso*, &c. or any 5 of them, to the Receiver or Receivers appointed by this Act. And in case of Failure, the said Jews shall incur the further Payment of 250 *l.* which whole Summ, amounting to 1000 *l.* the Treasurer or Treasurers appointed by this Act, may cause to be levied upon the Jews inhabiting within this Island by Distress, *&c.*

XXVIII. If any of the Jews appointed to assess and collect the foresaid Summ, shall neglect his or their Duty therein, the Governour by Warrant under his Hand and Seal, directed to the Provost-Marshal, may cause to be levied on the Person so offending 100 *l.* by Distress and Sale of his Slaves, Goods and Chattels, and in case no Distress can be found, then to take into Custody the Body of the Person so offending, till payment.

XXIX. The Justices shall deliver to the Constables within their respective Parishes, and Precincts, a Roll of such Assesments as aforesaid, so that the Collection be made within 2 Months after the 10th of *June* 1693. with a Warrant under the same, impowering the said Constable to levy the same, and pay it into the Hands of the Church-Wardens, or where no Church-Wardens, into the Hands of the Justices of that Parish, deducting 4 *d.* *per* Pound for collecting, except in the Parishes of *Port-Royal*, and *Kingston*, where it shall be done *gratis*. Which said Church-Wardens shall pay the same to the Receiver.

XXX. The Justices, or any 2 of them, shall impower the Constables, upon refusal or delay of Payment, to distrain upon the personal Estate of the Person refusing

sing or delaying, and forthwith sell the same at publick Outcry, retaining to themselves 1 *s.* in the Pound for such Distress, and return the Overplus, if any be.

XXXI. The Justices and Vestries in their several Precincts, shall with all possible Speed, after the passing this Act, proceed to the Discharge of their Duties. If any Justice, Vestry-man, Constable or Church-Warden, shall wilfully fail in his Duty, in such case the Justice shall forfeit 50 *l.* any of the other 20 *l.* for every such Offence.

XXXII. All Owners of Slaves, Horses, or any Sorts of Cattle, Tradesmen, and hired Men whatsoever, shall give a just and true Account upon Oath to the best of their Knowledge, at such times as the Justices shall direct, of all Slaves, Horses, or other Cattle, Rents, Trades, and Callings, as are belonging to them (Jews only excepted.)

XXXIII. If any Person whatsoever shall refuse either by himself, Over-seer, or Pen-keeper, to discover upon Oath the true Number of their Slaves, Horses, *&c.* It shall be lawful for the Justices and Vestry to tax such Person according to their Discretion.

XXXIV. Whosoever shall advance and lend any Summ of Money upon the Security of this Act, shall receive for the Loan of the same after the rate of 12 *l.* 10 *s. per* Cent. *per An.* for the time he shall be in disburse of the said Summ.

XXXV. Which Sum or Sums so lent on the Credit of this Act, shall by the Receiver, on the first payment of Money that shall be paid into the Receivers hands by Virtue of this Act, be forth-with repayed to the Person or Persons so lending the same, their Executors or Administrators with the Interest of the same. And all other Sum or Sums that shall be laid out or paid by the Receiver, about the two Sloops, and two Parties for reducing rebellious *Negroes* as before mentioned, shall be paid by the Receivers, without Fee or Charge.

XXXVI. Colonel *Charles Knights*, Colonel *Thomas Clarke*, Captain *Lancelot Talbot*, Captain *Robert Wardlow*, *William Hutchinson*, Esq; Captain *Josiah Heathcote*, and Captain *Thomas Clark*, shall be Receiver or Receivers, of the Moneys raised by this act; and shall by advice and consent of the Lieutenant Governour, or Commander in chief, buy or hire two substantial Sloops fit for War, and

Equip,

Equip, fit, and Victual the ſame for 50 Officers, Seamen and Soldiers, in each. The Captains of which Sloops ſhall be Commiſſioned under the Hand and Seal of Sir *William Beeſton* the Lieutenant Governour; each of which Captains to have for his pay 6 *l. per* Month. He ſhall likewiſe appoint by his Warrant, for each Sloop, a Maſter at 4 *l. per* Month; a Boat-ſwain, and Gunner, 3 *l. per* Month each; a Chirurgeon, and Carpenter, 4 *l. per* Month each. Who ſhall raiſe and enliſt by preſſing or otherwiſe, the full number of men, who ſhall be paid each man 40 *s. per* Month, out of the Moneys raiſed by this Act.

XXXVII. Which ſaid Captains ſhall be required by their Commiſſions and Inſtructions that they take care from time to time, to their utmoſt Abilities, to Guard the Coaſts of this Iſland, by conſtant cruiſing, and looking out both Windward and Leeward, North and South ſides of this Iſland, as they ſhall be directed.

XXXVIII. The ſaid Colonel *Charles Knights*, and *Joſiah Heathcote*, Eſq; ſhall be Treaſurers to receive and pay all ſuch Money as ſhall come to their hands, for Wages of Officers, Seamen, and Soldiers, *&c.*

XXXIX. The ſaid Sloops as ſoon as provided, equipped, and Victualled ſhall be forth-with diſpatcht out to Sea, to Cruiſe about this Iſland as a foreſaid.

XL. The Receiver or Receivers ſhall keep a diſtinct Accompt of the Money raiſed by this Act; and of all payments by this Act required, and render a true Accompt when demanded, to the Lieutenant Governour and Council; and to the Aſſembly when ſitting, and required.

XLI. If the ſaid Receiver or Receivers ſhall divert or miſapply any of the ſaid Moneys, contrary to the Intent and Meaning of this Act, he or they ſo offending ſhall forfeit to their Majeſties double the Sum ſo diverted or miſapplyed.

XLII. All and every the Articles and orders mentioned in the Act of Parliament made 13 *Car.* 2 *ch.* 9. *For better governing his Majeſties Navies, Ships of War, and Forces at Sea*, ſhall be duly put in Execution, obſerved and obeyed, on board the ſaid Sloops of War, and are hereby declared to be the Law of this Iſland.

XLIII. For

XLIII. For Encouragement of the Officers, Seamen and Soldiers on board the said Sloops, all Vessels by them taken from the Enemy, and not belonging to this Island, are hereby given them: But Slaves, Vessels or Goods belonging to their Majesties Subjects of this Island, if retaken, shall be returned to their respective Owners.

XLIV. The Parties above mentioned, to be raised for subduing the Rebellious *Negroes*, in case of Misdemeanours shall be Subject to the Punishments prescribed in the Articles of War as when Martial Law is in force. And the Captain of each Party shall receive for his pay 4 *l. per* Month, each Serjeant 50 *s. per* Month, and each Soldier 40 *s. per* Month to be paid by the receiver or receivers, without Fee.

XLV. Those employed on board the said Sloops, shall receive for Salvage, for all Vessels, Slaves, and Goods of this Island, by them retaken, one 6th part of the value of the Vessels, Slaves, *&c.* so retaken, which shall be divided among the Officers, Seamen and Soldiers, proportionably to the pay each Person receives.

XLVI. Those that go out in the Parties to reduce the *Negroes* shall receive from the Treasurers for every rebellious *Negro* that shall be killed, bringing in his Head to any Justice, 40 *s.* for every *Negro* taken and brought in alive, and not maimed, 10 *l.* to be paid by the Owner, who is hereby obliged under the penalty of 50 *l.* to transport such Slave so taken, and in case the Owner cannot be found, then the Treasurer shall pay the 10 *l.* receive the Slave, sell and transport him; and retain the produce to be employed in the said Service.

XLVII. All *Negroes* that have been absent from their Owner or Plantations six Months, shall be accounted as in actual Rebellion.

XLVIII. In case any Officer, Seaman or Soldier on board the said Sloops, or in the said Parties, shall in actual Service be disabled, such disabled man shall receive 10 *l. per An.* without Charge, during his Life, and also his cure paid for out of the Publick revenue.

XLIX. All Moneys which shall remain of the said 4303 *l.* 3 *s.* 9 *d.* over what has been employed upon the two Sloops, and Parties, shall remain in the treasurers Hands, to be disposed of as the Assembly of this Island shall appoint.

L. The

L. The Receiver or Receivers, Treaſurer or Treaſurers, ſhall be allowed all his or their reaſonable Charges, Commiſſion or Pretences to Commiſſion, excepted.

LI. The Fines and forfeitures mentioned in this Act, and not otherwiſe declared, ſhall be one half to their Majeſties, the other to the Informer, who ſhall ſue for the ſame in any Court of Record, where no Eſſoign, *&c.* ſhall be allowed.

LII. *Act* 8. *p.* 40. After the 17 of *Auguſt* 1693 there ſhall be raiſed and paid the following Impoſt upon *Madera* Wines, over and above what is already payable, for three Months, and no longer, *viz.* the Summ of 40 *s.* for every Tun.

LIII. And for every Slave exported by way of Merchandize, for the term aforeſaid, the Owner ſhall pay 20 *s. per* Head. All which *Negroes* ſhall be entered in the Receiver-Generals Office, and Bond given by the Owner to pay the Money within one Month after the Entry.

LIV. Whoever ſhall export any Slave or Slaves, and not make Entry, give Bond and pay as before directed, ſhall forfeit for every Slave ſo exported 50 *l.* one half to their Majeſties, the other to the Informer.

LV. Every Merchant, or other Importer of *Madera* Wines, during the ſaid term of three Months, ſhall make Entry, make up Accounts, and give Bonds, in the ſame Method, and under the ſame penalty, as directed by *an Act for Raiſing a Publick revenue for Support of the Government*, &c. (1684 *Act* 12. *Sup.* S. 2.)

LVI. The Money ariſing by Virtue of this Act ſhall be to the uſe of their Majeſties for the Support of the Government of this Iſland, and the contingent Charges thereof, and towards the Repairing the Loſſes the Revenue has ſuſtained by the Wines and other Merchandiſes loſt in the Earthquake.

LVII. *Act* 9. *p.* 42. After the 17th of *November* 1693 there ſhall be raiſed and payed unto their Majeſties for the Term of 5 years and no longer, an additional Duty and Impoſt upon the following Liquors, over and above what is already payable, *viz.*

LVIII. For every Tun of *Spaniſh* and *Madera* Wine imported, 40 *s.* all Wines of the growth of the Weſtern Iſlands, 5 *l. per* Tun; all *French* Wines or Rheniſh Wines, 30 *s. per* Tun; Beer or Syder 4 *s. per* Tun; Mum or

Metheglin, 20 *s. per* Tun; Brandy 6 *d. per* Gallon; *English* Spirits 3 *d. per* Gallon; and so proportionably. All which said Liquors shall be duly entred under the Penalties mentioned in the *Act for raising a Publick Revenue*, &c. (*Sup.* S. 2.)

LIX. For Slaves exported the Owner shall pay 20 *s.* each. Excepting Slaves ordered to be transported for misdemeanours.

LX. Out of the Money arising by this Act, and the last *(Sup. S.* 52.) there shall be deducted and paid to their Majesties 1774 *l.* 16 *s.* as an equivalent for the Customs of Wines lost in the Earthquake.

LXI. Upon due Proof in the Supreme Court of Judicature, an action of debt shall lie for their Majesties, against any Person, his Executors, &c. that stand indebted for Customs, whether Bond be given or not.

LXII. After the Deduction and Payment of the said Summ 1774 *l.* 16 *s.* the rest of the Moneys shall remain as a Fund to encourage such persons as are willing to transport themselves hither, and be applied to no other use.

LXIII. *Benjamin Way*, *Joseph Sergeant*, *William Hutchinson*, *Francis Hall*, and *Edmond Edlyn*, standing indebted to their Majesties in several Summs of Money for the Customs of Wines which were lost in the Earthquake, they and every of them, their Heirs, Executors, &c. are hereby indemnified and saved harmless from payment of the said several Summs, and all actions or suits against them for the same, and if sued they may plead the General Issue, and give this Act in Evidence.

LXIV. All tradesmen and others not able to pay their Passages, except *Jews*, Cripples, and Children under 11 years of age, who are willing to transport themselves to this Island, shall upon their repairing to any Master of any Ship, be received on board, and after their arrival here be free from all manner of Servitude, and have liberty to employ themselves as they think fit in any honest Trade, Service, or Calling; and the Captain or Master shall receive of the Treasurers appointed by this Act, for every person coming from *England* or *Scotland*, 7 *l.* 10 *s.* and for every Person from *Ireland* 6 *l.* for their passage; and for every Person so brought from *Europe* the said Master shall have for his encouragement and to his own use, the further Summ of 20 *s. per* head.

LXV. All

LXV. All Masters of Vessels that shall import any such Persons as aforesaid from *New-England*, *Carolina*, or any other Parts of *America*, shall receive the Summ of 3 *l.* 10 *s.* and for every person brought from *Providence*, and the *Windward* Islands, 40 *s.* And also, for every Person from any of the foresaid Places, the further Sum of 10 *s.* *per* head for his own use and Benefit.

LXVI. All Masters who shall import as aforesaid, shall within 48 hours after arrival, deliver upon Oath to the Secretary a List of the names, Age, and Trade, *&c.* of the Persons imported, which he is to enter in a Book, and transmit the List to the Treasurer, who is thereupon to pay the respective Summs to the Masters, and 2 *s.* 6 *d.* to the Secretary.

LXVII. All Merchants and others importing any Wines and Liquors before mentioned, shall enter the same in the Office of the Receivers-General, after the Manner prescribed in the *Act for raising a Publick Revenue*, &c. (Sup. S. 2.)

LXVIII. All which Duties, and the Impost on *Negroes*, shall be kept in a Book apart, the Bonds taken in their Majesties names, the Money arising thereon shall be paid into the Hands of the Receiver-General, and by him paid over to the Treasurer within 20 days after. For which Bonds, and Entries, receiving, and paying, the said Receiver-General (or Deputy) shall retain to himself two and a half *per Cent.* and no more.

LXIX. For goods of which the Customs are under 5 *l.* value, no Bond shall be taken, nor credit given, but the Customs of the same shall be immediately paid to the Receiver-General.

LXX. All *Negroes* to be exported shall be entred, and Bond given by the Owner for the payment of the Money within one Month after the Entry, under the penalty of 50 *l.*

LXXI. Any Person or Persons who shall advance and lend on the Credit of this Act any Summ or Summs, not exceeding 1000 *l.* shall receive for the Loan of the same, 12 *l.* 10 *s.* *per Cent. per An.* Which Moneys so lent, and Interest as aforesaid, shall be repaid to the Lenders, their Executors, *&c.* by the Treasurer, upon the first Moneys that shall be paid into his hands by Virtue of this Act, after Deduction and Payment of the foresaid

Summ of 1774 *l.* 16 *s.* to their Majesties, as aforesaid.

LXXII. *Samuel Bernard, Nicholas Law, Ja. Bradshaw, William Hutchinson, Tho. Clarke, Modyford Freeman,* and *Ja. Banister*, Esquires, are impowered to appoint such fit Persons in *England, Scotland, Ireland, New-England,* or any other Parts of *America*, or elsewhere, to make known this Act, to such Persons as are willing to transport themselves hither upon the Incouragement thereof. In case of Death, or refusal, of any of the Persons afore named, the Survivers may choose others.

LXXIII. The Commissioners may appoint one or more of their own Number to receive and pay the Money arising by this Act, of all which the Treasurer shall keep an exact and distinct Account, and declare the same when thereunto required. If the Treasurer shall direct or misapply any of the said Moneys, he shall forfeit to their Majesties double the Summ so directed or misapplied.

LXXIV. The Treasurer for the time being shall be allowed two and a half *per Cent.* for his Charges, in and about the Discharge of his Trust.

LXXV. Such Moneys as remain in the Treasurer's Hands (if any) after the Expiration of this Act, shall notwithstanding be employed to the Uses in this Act appointed.

LXXVI. The Secretary shall upon demand give a Copy of this Act to any Person requiring it, for which he shall receive 10 *s.* and in case of delay or refusal, he shall forfeit 40 *s.*

LXXVII. If the Receiver-General refuse to do and perform all, and every thing as by this Act enjoined him, he shall forfeit for every such Offence the Summ of 500 *l.* And all other Persons offending contrary to the true meaning of this Act, shall forfeit (if no Penalty be already laid) the Summ of 100 *l.* One Moiety of which Forfeitures shall be to their Majesties, the other to the Informer, to be recovered in any Court of Record, where no Essoign, &c.

LXXVIII. *Act* 10. *p.* 52. The Summ of 450 *l.* shall be levied and paid within 3 Months after the 10th Day of *August* 1693, and so every Year, during the Term of 1 Years, for the soliciting the Affairs of this Island in *England*, viz.

LXXIX.

LXXIX. From the Pariſh and Town of *Port-Royal* 49 *l.* 10 *s.* 10 *d.* St. *Andrews* 52 *l.* 17 *s.* 5 *d.* St. *Katharines* 56 *l.* 16 *s.* 3 *d.* St. *Dorothy* 25 *l.* 3 *s.* 1 *d.* *Vere* 47 *l.* 1 *s.* 8 *d.* *Clarendon* 42 *l.* 1 *s.* 8 *d.* St. *Elizabeth* 51 *l.* 6 *s.* 8 *d.* St. *Thomas* to Windward 27 *l.* 10 *s.* St. *Davids* 16 *l.* 11 *s.* St. *Thomas* in the Vale 21 *l.* 9 *s.* St. *Johns* 15 *l.* 8 *s.* 3 *d.* St. *Georges* 3 *l.* 13 *s.* 6 *d.* St. *Marys* 11 *l.* 5 *s.* 7 *d.* St. *Anns* 7 *l.* 13 *s.* 6 *d.* St. *James's* 2 *l.* 16 *s.* 8 *d.* *Kingſton* 19 *l.* 5 *s.*

LXXX. The Juſtices and Veſtry-men in their reſpective Pariſhes, or Juſtices alone where no Veſtry is, are impowered and required to aſſeſs, tax, and levy, during the ſaid term of 11 years, the ſeveral Summs aforeſaid, on the ſeveral Pariſhes of this Iſland.

LXXXI. The Church-Wardens, and where none, the Juſtices, ſhall pay the Summs above aſſeſt for this Preſent year, under the penalty of 10 *l.* And for reimburſing them, they ſhall at the next time of aſſeſſing their Pariſh tax aſſeſs ſuch Summ as ſhall have been ſo advanced by the ſaid Church-Wardens or Juſtices, which Money ſo aſſeſs'd and levied ſhall be paid to the Perſons who advanced the ſame, with lawful Intereſt.

LXXXII. The Several Summs yearly to be collected, ſhall be paid by the Church-Wardens or Juſtices, within 21 Days after their Receipt thereof into the Hands of the Receivers, and he or they who neglect ſo to do, ſhall forfeit for every ſuch offence, the Summ of 50 *l.*

LXXXIII. The Money ſo raiſed and paid as aforeſaid, ſhall by the Receiver be yearly remitted on the Country's Riſque, in ſuch manner as they ſhall think fit, into the Hands of *Gilbert Heathcote*, *Bartholomew Gracedieu*, and *John Tutt* of *London*, Merchants, or any one of them, to ſolicit in *England* the publick Affairs of this Iſland, as occaſion ſhall require.

LXXXIV. In caſe of Death, Abſence, or Refuſal of any of the Solicitors before mentioned, or the Commiſſioners hereafter named, the Perſons remaining or ſurviving, may chooſe in their Room ſuch other Perſon or Perſons, who are impowered, both here and in *England*, to act as fully to all Intents as if appointed by Name in this Act.

LXXXV. *Samuel Bernard*, *Nicholas Law*, *James Bradſhaw*, *William Hutchinſon*, *Thomas Clarke*, *James Baniſter*,

 and

and *Modyford Freeman*, Esquires, shall be Commissioners, and shall appoint one or more of themselves to be Receiver or Receivers.

LXXXVI. The said Commissioners shall at no time order any thing contrary to any of the Instructions drawn up by the Council and Assembly for direction to the Solicitors in *England*, but fully observe and be directed thereby. Notwithstanding they may upon any suddain or emergent Occasions, give the said Solicitors such further Instructions as they shall think fit.

LXXXVII. The said Commissioners, or Major-part of them, may from time to time turn out, or alter, any of the Solicitors in this Act mentioned, if it be thought fit.

LXXXVIII. The Receiver or Receivers of the Moneys arising by this Act, shall keep an exact and distinct Account of all Payments and Remittances, and render a true Account thereof when required to the Rest of the Commissioners, or to the Assembly, when sitting. And if any Receiver shall divert or misapply any of the said Money, he shall forfeit to their Majesties double the Summ.

LXXXIX. The said Receiver or Receivers shall be allowed all his, or their Expences. But in case he or they neglect or refuse to remit the said Summs yearly during the Continuance of this Act, to the Solicitors in *England*, he shall forfeit the Summ of 500 *l.*

XC. Half the Forfeitures contained in this Act, and not applied, shall be to their Majesties, the other half to him that shall sue for the same, in any Court of Record, where no Essoign, *&c.*

XCI. *Act* 12. *p.* 63. A Grant of 7500 *l.* and also of 1973 *l.* 14 *s.* 4 *d.* formerly raised and not yet applied, (*Sup.* S. 22.) amounting in the whole to the Summ of 9473 *l.* 14 *s.* 4 *d.* For 2 more Sloops, *&c.*

XCII. The said Summ 7500 *l.* shall be assest and taxed in the several and respective Parishes or Precincts, on all and every Person, by an equal Tax, to be paid within three Months after the 10th of *November* 1693. into the Hands of the Receiver hereafter named, according to the following Rates, *viz.*

XCIII. For every *Negro*, *Mulatto*, or *Indian* Slave, to be paid by the Owner 2 *s.* For every Horse, Mare, Colt, Mule, Ass, or Neat Cattle 9 *d.* For Sheep, Lambs,

Lambs, Goats, Kids 2 *s.* 6 *d. per* Score, and so in Proportion.

XCIV. For the Pariſh of *Port-Royal*, the Juſtices and Veſtry ſhall lay, aſſeſs and levy 16 *d. per* Pound on all Rents to be paid by the Tenants, and allowed by the Landlords, and on all Trades as much, and one third more in Proportion, than they were rated in the Pariſh-Roll for this Year 1693. The like Aſſeſsments for Rents, at the Town of St. *Jago de la Vega*, and Town and Pariſh of *Kingſton*.

XCV. The *Jews* ſhall pay over and above the foreſaid Aſſeſsment the Summ of 1000 *l.* to be aſſeſs'd, collected, and paid by *Solomon Ararii*, *Jacob de Leon*, *Moſes Toiro*, and 9 others, or any 5 of them, within one Month after the 10th of *December* 1693.

XCVI. In caſe they fail of Payment, they ſhall be aſſeſs'd 250 *l.* more; and the Conſtables of the Pariſhes where ſuch *Jews* reſide, ſhall, by Warrant from the Treaſurer, levy at Diſcretion, ſuch proportionable Summs upon them, as ſhall make up the Summ of 1250 *l.*

XCVII. If the Jewiſh Aſſeſſors, impowered and appointed by this Act, ſhall all or any of them neglect his or their Duty herein; the Governour by his Warrant may cauſe the Provoſt-Marſhal, or his Deputy, to levy on all and every Perſon ſo offending 150 *l.* upon his Slaves, Goods, or Chattels, and ſell the ſame; and in caſe no Goods, *&c.* are to be found, then to take into Cuſtody the Body of the Perſon ſo offending, and him ſafely keep till Payment.

XCVIII. The Juſtices of the reſpective Precincts ſhall deliver to the Conſtables a Roll of the Aſſeſsment, with a Warrant for levying the ſame, who having collected it, ſhall pay the ſame to the Church-Wardens, or where none, to the Juſtices of that Pariſh, deducting 4 *d. per* Pound for collecting (except in *Port-Royal*, and *Kingſton*, where it ſhall be done *Gratis*) and the Church-Wardens or Juſtices ſhall pay the ſame to the Receiver within one Month after.

XCIX. The Conſtables, upon refuſal, ſhall levy the ſame by Diſtreſs and Sale of the Refuſer's Goods and Chattels, retaining 1 *s.* in the Pound for every ſuch Diſtreſs.

C. If the Governour or Commander in chief, ſhall before the levying this Tax, put Martial-Law in force in

this Island, all Persons refusing to pay their Tax as aforesaid, shall after the Expiration of the Martial-Law, pay double; to be recovered as above-said, by Distress and Sale of the Offender's Goods, *&c.* which shall be paid to the Receiver, and employed as the other Moneys by this Act raised and appropriated.

CI. Every Justice neglecting his Duty shall forfeit 50 *l.* every Vestry-man, Church-Warden, or Constable 20 *l.*

CII. All Owners of Slaves, Horses. or any kind of Cattle, shall by themselves, Guardians, Over-seers, Trustees, or Pen-keepers, give a true and just Account upon Oath, at such time as the Justices shall direct, of the Numbers of his Slaves, Horses, and all other Cattle, and of his Rents. And if any refuse by themselves, or Overseers, *&c.* to give such Account upon Oath; the Justices and Vestry may tax such Person according to their Discretion.

CIII. Any Person who shall advance and lend any Summ or Summs of Money upon the Security of this Act, shall receive for the Loan thereof 12 *l.* 10 *s.* *per Cent. per An.* for the time he shall be in disburst of the said Money.

CIV. Every Person so lending and paying the Money into the Hands of the Receiver, shall out of the first Money that shall arise and come in, be repaid by the Receiver, to him, his Executors, or Administrators, with Interest. And all other Moneys that shall be laid out or paid by the Receiver according to the Direction of this Act, shall be without Fee or Charge.

CV. Col. *Charles Knights*, Col. *Thomas Clarke*, Capt. *Lancelot Talbot*, Capt. *Rob. Wardlow*, *William Hutchinson*, Esq; Capt. *Josiah Heathcote*, and Capt. *Thomas Clarke*, shall be Receiver or Receivers of the Moneys arising by this Act. And shall by Advice and Consent of the Governour, forthwith buy or hire two more good Sloops fit for War, and Equip, and Victual the same for 60 Officers, Sea-men, and Soldiers inclusively for each Sloop, for 6 Months.

CVI. For which two Sloops, Sir *William Beeston*, the Lieutenant-Governour, shall appoint by Commission, discreet and able Captains, each of which to receive for Pay 6 *l.* *per* Month, Masters each 4 *l.* *per* Month, Boatswain, and Gunner, each 3 *l.* *per* Month, Quarter-Master, each 50 *s.* *per* Month. Who are to raise by impressing

preſſing or otherwiſe, 60 Men for each Sloop, whoſe Pay ſhall be each 40 *s. per* Month.

CVII. Which two Sloops are to guard and defend this Iſland, by conſtant cruiſing, and looking out both Windward and Leeward, North and South-ſide of this Iſland, as they ſhall be directed and commanded.

CVIII. The Commiſſioners ſhall employ Capt. *William Dodington* to provide Victuals, Arms, and Ammunition, for the ſaid Veſſels, and draw Bills upon the Treaſurer, for which Service the ſaid *Dodington* ſhall be paid 5 *per Cent.* for what he provides.

CIX. The foreſaid *Charles Knights*, and *Joſiah Heathcote*, are appointed Treaſurers to receive, and pay the Officers and Soldiers, *&c.*

CX. The Receiver or Receivers ſhall keep a diſtinct Account of the Money raiſed by this Act, and of all Payments thereof, and render a juſt and true Account of the ſame, when demanded, to the Lieutenant Governour and Council, and to the Aſſembly when ſitting. And if the ſaid Receiver ſhall divert or miſ-apply any Part of the ſaid Moneys, he ſhall forfeit to their Majeſties double the Summ ſo miſ-applied.

CXI. All and every the Articles and Orders mentioned in the Act of Parliament made 13 *Car.* 2. *cap.* 9. *For better governing his Majeſties Navies, Ships of War*, &c. ſhall be duly put in Execution, and obſerved, on Board the ſaid Sloops, and are hereby declared to be the Law of this Iſland.

CXII. For encouragement of the Officers, Seamen, and Soldiers, on Board the ſaid Sloops, all Veſſels by them taken from the Enemy are hereby given them: But Slaves, Veſſels, or Goods, belonging to the Inhabitants of this Iſland, if retaken from the Enemy before they ſhall have arrived at the Enemie's Ports, ſhall be returned to the reſpective Owners.

CXIII. The Parties raiſed for ſubduing rebellious *Negroes*, in Caſe of Miſdemeanor or Neglect of Duty, ſhall be ſubject to the Puniſhments preſcribed in the Articles of War, as when Marſhal-Law is in force. And the Captains of each Party ſhall receive for Pay 4 *l. per* Month, each Serjeant 50 *s.* and each Soldier 40 *s. per* Month.

CXIV. Thoſe employed on board the Sloops ſhall receive for Salvage for Veſſels, Slaves, and Goods, of the Inha-

Inhabitants of this Island, by them retaken from the Enemy, the 6th Part of the Value, to be divided among the Officers, Seamen, and Soldiers, proportionably to their Pay.

CXV. The Parties that go out to reduce the Rebellious *Negroes*, shall receive for every *Negro* killed, producing his Head 40 *s.* if taken alive, 10 *l.* to be paid by the Owner, who shall be obliged to transport him, under the Penalty of 50 *l.* In case no Owner appear, the Treasurer shall pay the 10 *l,* sell, and transport the Slave, and retain the Produce, *&c.*

CXVI. All *Negroes* that have absented themselves for 6 Months, shall be accounted as in actual Rebellion.

CXVII. Such as in actual Service, on board the Sloops, or in the Parties, shall be disabled, shall receive 10 *l. per An.* for Life, and their Cures to be paid for out of the publick Revenue.

CXVIII. When there shall be no further Necessity for the said Sloops or Vessels of War, the Commissioners, or Major-part of them, may sell the same, and the Money arising, and all other Summs remaining unexpended of what was raised by this Act, shall remain in the Hands of the Treasurers to he disposed as the Assembly shall appoint. And the Receiver and Treasurer shall be allowed their reasonable Charges, *&c.*

CXIX. The Fines and Forfeitures of this Acts, not otherwise disposed, shall be half to their Majesties, and half to the Informer, who shall sue for the same in any Court of Record, where no Essoign, *&c.* shall be allowed.

CXX. *Act* 13. *p.* 79. Of the Moneys raised by the abovesaid Acts, *S.* 22. and *S.* 91. and not hitherto applied or made use of, 1300 *l.* shall be applied for the Payment of 1000 *l.* Sterl. in *England*, to Col. *Peter Berkford*, to be by him made use of for the Service of this Island in such Matters as he shall there solicite. And so much of the said Moneys as the Governours shall direct, shall be paid for the victualling and manning of a Sloop to transport the said Col. *Berkford* to *England*, who shall also have the Freight of Goods shipped on Board the said Sloop, either to, or from *England*.

CXXI. Of the Moneys arising by Virtue of the foresaid Acts 1000 *l.* shall be imployed for paying the Passages of such Persons as shall transport themselves hither, according to the Directions of an Act past to the Purpose. *Sup. S.* 57.

CXXII. Of

CXXII. Of the Moneys arising by the foresaid Acts, and not hitherto made use of, 70 *l.* shall be applied for the Charge of a Sloop sent to *Windward*, to cruise there, and give notice to the *English* Fleet daily expected here, of the additional Force the *French* have.

CXXIII. Of the foresaid Money not hitherto made use of, 162 *l.* shall be paid to Col. *Edward Stanton* for defraying the Charge of 12 Men, for 6 Months, to be constantly kept at *Fort-William*, at *Port-Morant*.

CXXIV. The remainder of the Moneys raised by the foresaid Acts, and not by this present Act applied, shall be by the Governour and Council made use of for the immediate Defence of this Island; and the Receivers and Treasurers in the said Acts mentioned shall pay the same accordingly, to such as are appointed by Warrant under the Governour's Hand, to receive the same, or forfeit for refusal double the Summ refused, to be recovered to their Majesties in any Court of Record, where no Essoign, *&c.*

CXXV. The two Sloops purchased with Part of the Moneys by the said Acts arising, may be sold by the Governour, or made use of for the Country's Service. If sold, the Money to be applied with the Advice and Consent of the Council.

CXXVI. Where any Tax mentioned to be raised by the abovesaid Act, hath been omitted to be assess'd or levied; a Re-assesment may be made within 3 Months after the passing this Act, and the same levied as well during the time of Marshal-Law as Common-Law; and the Justices shall issue out their Warrants accordingly, to the respective Constables. And whatsoever Justices, Vestry, or Constables, shall omit to do their Duty herein, shall forfeit as directed by the said Acts.

CXXVII. All Pains and Penalties in the above-mentioned Acts inflicted, and now incurr'd by any the Justices, or Vestry of the respective Parishes, are hereby absolutely remitted and discharged, and the Parties indemnified for the same.

Titles.

Anno 1682. *Act* 22. *p.* 62. Two Grants, made severally, under the Great Seal of this Island, by way of Release

lease and Confirmation, to *Redman Macragh*, and *Samuel Bradway* (who claimed by defective Titles, from Aliens) ratified and confirmed to the Grantees their Heirs and Assigns for ever.

Treason.

Anno 1682. *Act* 17. *p.* 44. Whosoever shall at any time hereafter satisfie, forge, or counterfeit his Majesties Broad Seal of this Island, every such Offence shall be deemed and judged High-Treason. And the Offender, or Offenders therein, their Councellors, Aiders, Abettors, or Concealers, being lawfully convicted by the Oaths of two credible Witnesses upon Trial, or otherwise, shall be adjudged Traitors, and suffer such Pains, Penalties, and Forfeitures as in like Cases is ordained by the Laws of *England*.

V.

Vagabonds and Poor.

I. *ANno* 1684. *Act* 10. *p.* 126. Any three Justices, and the Vestry of each Parish, or the Major-part of them, may lay a Tax (if it seems convenient) for the Building one or more Houses of Correction within their several Parishes, and for providing Stocks for the same, and for governing the same make such Orders as the said Justices and Vestry shall think fit, which shall be of Force, and put in Execution.

II. All Rogues, Vagabonds, and other idle Persons, that shall be found wandring, or otherwise mis-ordering themselves, shall be apprehended by the Constables, and carried before some Justice of Peace of that Precinct, and if the Person apprehended appear to be fit and able to work and refuse so to do, the Justice shall order him, or her to be whipt on the naked Back, not exceeding 39

Lashes,

Lashes, and after sent from Parish to Parish by the Constables of the same, the next straight-way, to the Parish where he, or she dwelt for one whole Year last past. And in like manner they shall convey poor and impotent Vagrants, to the Place of their last Abode.

III. Provided, no such Persons as abovesaid, shall be returned if they have dwelt in the Parish above the Space of three Months.

IV. Constable, or Tithing-man, neglecting his Duty herein, shall forfeit 40 *s.* for every Default. One half to the Church-Wardens, for the Poor of the Parish, the other to the Informer, to be recovered before any Justice of Peace.

V. The Church-Wardens of each Parish in this Island, with the Assent of any two Justices in that Precinct, may bind any poor Children of the said Parish, Apprentices where they shall see convenient; Males till 21 Years of Age, and Females, till 18, or the time of their Marriage, to be as effectual as if such Child were of such Age, and by Indenture of Covenant bound him, or her, self.

W.

Ways, Vide High-Ways.

Ways, Vide High-Ways.

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AN

Exact Abridgment

OF THE

Laws of *JAMAICA*;

In the same Method and Manner with

WINGATE's Abridgement.

A Table of the several Acts.

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FINIS.

AN ABRIDGEMENT OF THE LAWS OF BARBADOS,

Printed 1699. Under proper Heads.

After the Manner of *Wingate*'s Abridgement.

A.

Agents.

I. ACT 408. The Treasurer of this Island for the time being shall remit out of the Publick Treasury thereof, to *Edward Littleton*, and *William Bridges*, Esquires, and

Francis Eysles, Merchants, Agents in *England* for the Affairs of this Island, the Summ of 250 *l. per An.* to each, to be paid in *London* yearly.

II. The Summ of 1500 *l.* Sterling shall be speedily remitted by the said Treasurer, to the said *Francis Eysles*, to be employed, and disbursed for Fees, Sollicitations, and other necessary Charges, and payment of such Summ or Summs, which have or shall be expended in the Service of this Island. And the Treasurer may defalk and pay himself the usual Exchange allowed between this Island and *England*.

This Act to continue for two Years and no longer.

Ale-houses, and Publick-houses.

I. *Act* 7. A Seaman found on shoar after eight a clock at Night, and not producing a Certificate from his Master, or Owner, or not giving a good Account thereof, shall be apprehended by the next Constable, or Officer, and conveyed to the common Gaol, or Stocks, and the next Morning brought before the next Justice of Peace; who according to his Discretion may release him, paying Fees. And whatever Master of a Family in this Island shall entertain such Seaman, in his House not licensed as aforesaid, he shall forfeit to the Publick Treasury 50 *l.* of Sugar.

II. No Master, or Commander of any Ship, shall be liable to pay any Scores, or Debts contracted by their respective Seamen in any Tavern, or Ale-house in this Island; but all Persons that trust such Seamen, having no Engagement from their Master, shall be incapable of recovering the same.

III. *Act* 92 No Person whatsoever shall be permitted after the first of *June* 1668. to sell Wine, Brandy, or Rum, or any strong Liquors in Tipling-houses, situated near to Broad paths, or High-ways. The Offender to forfeit, upon Conviction by Oath of two Witnesses, or Confession, 500 *l.* of Sugar, to be levied by Distress, by Warrant of any Justice of Peace of that Parish, for the Use of the Poor of the Parish. For the second Offence, and so for every subsequent Offence, Imprisonment for three Months without Bail, or Main-prize.

IV. This

IV. This Act not to extend to any Sea-port Towns, or Bays, except ſuch as lie between *Oiſtnis*, and *Six mens Bay*; nor to prohibit ſuch as are appointed to give entertainment in their Houſes at the Quarter-Seſſions, or other Courts.

V. No Perſons, except ſuch as before excepted, ſhall ſell any Wines, Brandy, or other Liquors not being the Product of their own Plantations, under Penalty of loſing all Debts, Accounts, Bills, Bonds, *&c.* ſo contracted.

VI. No Perſon ſhall be permitted to keep any Still for the diſtilling of Rum, except ſuch as have Land and Canes of their own, or ſuch as keep refining Houſes. The Offender herein to undergo the Cenſure of the Quarter-Seſſions as oft as he offends.

VII. *Act* 170. The Governour, and Council, ſhall once in every Year, appoint at what Rate ſtrong Liquors ſhall paſs in Taverns, and Drinking-houſes: And whoever ſhall ſell contrary to ſuch Rates, ſhall forfeit for every ſuch Offence 3000 *l.* of *Muſcovado* Sugar, half to the publick Uſe of this Iſland, and half to the Informer.

Alienations, Vide Sales, Estates.

Apprentices.

I. *Act* 331. From and after the Publication of this Act, any Boy or Girl within this Iſland under the Age of 21 Years, may by Indenture under Hand and Seal bind him, or her ſelf Apprentice to any Perſon exerciſing a Calling, or Husbandry, until they ſhall arrive at the Age of 21 Years, with the Conſent of one of the Parents of the ſaid Boy, or Girl; but if the Parents be dead, then of the next Juſtice of Peace, and the Church-wardens of the Pariſh; who are to ſee the Indentures ſealed, and indorſe their Approbation thereupon. And all ſuch Indentures of Apprenticeſhip, with the Conſent as aforeſaid, ſhall be ſufficient to oblige ſuch Boy, or Girl, notwithſtanding their Nonage.

II. If any Apprentice, so bound as aforesaid, shall neglect or refuse to serve according to Contract, the two next Justices of Peace may upon complaint, order him or her to be whipt by the Constable according to the Demerits; for the second Offence, severely whipt by the Constable, not exceeding 21 Lashes; and for the third Offence to have 21 Lashes, or Imprisonment for one Month, and receive 10 Lashes by the Gaoler every Saturday in the Afternoon during that time, the Gaoler to receive 20 *s.* for the Months Diet, to be paid by the Church wardens of the Parish from whence the Apprentice comes.

III. If the Master, or Mistress shall abuse such Apprentice, or not allow him, or her, convenient Meat, Drink, and Apparel, according as by Law is allowed to bought Servants, the two next Justices of Peace upon Complaint may examine the Matter; and if they find the said Master, or Mistress faulty, they shall bind them over to the next Quarter-Sessions; and if they be there found faulty, the Justices may set the Apprentice free. But in case it appear to the Justices first complained to, that the Apprentice had not just Cause of Complaint, the Justices may order the Apprentice 10 Lashes for his unjust Vexation.

IV. Any two Justices may bind out any loose, idle, or unsettled Persons under the Age of 21 Years, until they attain that Age, in such Manner as is appointed by the Stat. 5. *Eliz.* ch. 4.

V. An Apprentice so freed as aforesaid, may be bound out by the next Justice, and the Church-warden, to some other Person to serve out the remaining Part of his, or her Time.

VI. A Constable refusing to perform his Duty as by this Law is required by himself, or some other Person, shall forfeit 40 *s.*

VII. If any Person marry an Apprentice-Girl without the Consent of her Master, or Mistress, he shall forfeit 5 *l.* Sterl. *per An.* to her said Master, or Mistress during the remaining Part of her Time, to be levied yearly by Warrant of the next Justice. And if the Party offending hath not Effects sufficient, he shall serve the Master, or Mistress the Time unexpired.

VIII. *Act* 348. No Person shall be obliged to send his Apprentice to the Militia, armed and accoutred at his own Charge.

IX. Every

IX. Every Perſon having one or more Apprentices, ſhall within three Months bring him, or them before the Colonel of his Diviſion, who ſhall place him or them on ſuch Perſon or Perſons as have not their Complement of Men, to be accoutred at their Charge.

X. *Act* 428. Apprentices bound under the Age of 21. ſhall ſerve the Years in their Indentures contained, provided they ſhall not be obliged for a longer time than 7 Years, unleſs at the time of their binding they wanted a greater Number of Years to arrive at the Age of 21.

XI. An Apprentice abſenting him, or her ſelf from Service without Leave, ſhall upon Conviction before the next Juſtice of Peace by one Witneſs or Confeſſion, be adjudged for every Hours abſence to ſerve the like Space of Time after his Time by Indenture is expired, or be proceeded againſt as by the former Act is appointed, at the Election of the Maſter, or Miſtreſs complaining. (*Sup.* 2.)

XII. If any Perſon ſhall wittingly entertain an Apprentice for the Space of 12 Hours, he ſhall upon Conviction incur the like Penalties, and in the ſame Manner as is appointed for Proceedings againſt the Entertainers of Servants, by *Act* 21. *v. Inf.* Servants. *S.* 26. 28.

Arreſts.

Act 219. No Warrant of Arreſts ſhall be returnable into any Court of Common Pleas, but in the Precincts where the Reſidence of the Party arreſted is generally known to be. And all Arreſts otherwiſe ſhall be void.

Aſſembly.

I. *Act* 14. No Aſſembly to be held within this Iſland, ſhall continue longer than one whole Year from the Time of their firſt Meeting as an Aſſembly.

II. *Act* 426. Declared and Enacted, that it is the Right and Privilege of the General Aſſembly of this Iſland to judge and determine of the Truth and Legality of any Member choſen, where there ſhall be any Controverſie of the ſame, and no Practice or Proceeding to the contrary

trary heretofore had ſhall be drawn into precedent, but for the future ſuch conteſted Elections ſhall be tried by the Repreſentatives of the People, and the Plurality of Voices ſhall decide it.

III. *Act* 441. Enacted and Declared, that the General Aſſembly of this Iſland have, and ſhall have full Power and Authority to call before them ſuch Perſons as can give Evidence in matters relating to Grievances, and to ſend for ſuch Perſons, Papers, and Records, in Order to diſcovery and redreſſing the ſame, and to puniſh their Contempt in Caſe of Diſobedience, and to puniſh any Affronts and Misbehaviours againſt the General Aſſembly of this Iſland, after the Manner and Method of the Houſe of Commons in *England.*

Attachment, Vide Sales, Courts.

Attorneys.

Act 359. No Clark of any of the Courts of Common Pleas within this Iſland, ſhall draw or proſecute, or be any ways concerned as a Pleader, or Practicer in any. Action, real, perſonal, or mixt, or other Proceedings whatſoever, in the Courts in which he is a Clerk, upon Pain of forfeiting his Office, and 50 *l.* currant Money, half to the Informer, and half to the King, for the Uſe of the Fortifications of the Iſland.

C.

C.

Cask.

I. *ACT* 191. The Dimension of a Butt shall be in length 52 Inches, in the Bulge 35, and in the Head 29 Inches. A Puncheon in length 44 Inches, Bulge 32, Head 28. Hogshead in length 37 Inches, in depth in Bulge 31, Head 27.

II. Whosoever shall make any Entries of Sugars at the Custom-house here, in larger Casks than above limited, and cause the same to be Water-born, not having Permits according to the Rules of the Custom-house, shall forfeit all such Casks with the Sugar therein contained. And any Officer of the Custom-house may make seizure thereof.

Church-Wardens.

I. *Act* 4. No Inhabitant of this Island shall incroach in or upon any Plantation within any part of the old Bounds, but expect satisfaction for Land-wanting of him from whom he purchased.

II. Any Person may imploy a Surveyor, the said Surveyor not taking above one Pound of Cotton for every Acre by him surveyed.

III. Every Church-warden of any Parish in this Island shall have Power of attaching, appraising, and selling any Lands, or housing of any Person or Persons that shall stand indebted upon any of their Parish Levies. Provided if the Party shall desire to redeem his Land by satisfying the Levies and Arrears in merchantable Commodities, then upon tender of such satisfaction by the last Day of *June* next after such Appraisement, such Appraisement and Sale to be void.

IV. The

IV. The Appraisements shall be made by 4 sufficient Men, and the Sales by Approbation of the Court of the Precinct where the Land lieth.

V. If any have 12 Acres of Ground above 100 within their reputed Lines, and no more, they shall enjoy the same without molestation.

VI. No Surveyor shall come to any Man's Plantation with an Intent to run out the same, without the Governor's Warrant under Penalty of forfeiting 10000 *l.* of Tobacco, Imprisonment during Pleasure, and made incapable of ever executing the Office of a Surveyor. Nor shall he make any Bargain or Contract for any Warrant for his own Benefit under the Penalty aforesaid.

Common-Prayer, and Conformity.

I. *Act* 15. All Persons inhabiting this Island are strictly charged and commanded in His Majesties Name to conform themselves to the Government and Discipline of the Church of *England*, as the same hath been established by several Acts of Parliament; Which Acts the Ministers of every Church are required to read publickly in their several Churches, that all Persons may know their Duty.

II. All Justices of the Peace, Ministers, Church-wardens, and other Officers that may give furtherance to the Execution of the said Acts, are required in His Majesties Name, to do their endeavour therein to the utmost of their Powers.

III. *Act* 16. All Masters and Overseers of Families, shall have Prayers openly said or read every Morning and Evening in his Family, under Penalty of 40 *l.* of Sugar, half to the Informer, half to the Publick Treasury.

IV. Masters of Families that live within two Miles of their Parish Church, shall duly repair thither with their Families twice a Day on the Sabbath, if above two Miles then once a Month at least.

V. If a Servant make default in repairing to Church, the Master (if he was the occasion) shall forfeit 10 *l.* of Cotton; if the neglect be in the Servant, he shall be punisht at the Discretion of the next Justice.

VI. Every

VI. Every Minifter fhall begin Morning-Prayer on Sundays by 9 a Clock, and Preach once that Day at leaft.

VII. All Minifters fhall every Sunday in the Afternoon either Preach or Catechife.

VIII. Conftables, Church-wardens, and Sidefmen, fhall every Sunday in time of Divine Service, fearch Taverns, Ale-houfes, *&c.* and if they find any drinking, or otherwife mifdemeaning themfelves, they fhall apprehend them, and fet them in the Stocks for the Space of four Hours, unlefs every fuch Offender pay 5 *s.* for the ufe of the Poor.

IX. Whofoever fhall fwear, or curfe, fhall pay down, if a Freeman 4 *l.* of Sugar, if a Servant 2 *l.* of Sugar, or be put in the Stocks. This Statute not to take away the Mafter's Power in correcting their Servants for fuch Offences.

X. Every Church-warden fhall upon his Election into that Office, be fworn before the Juftices of Peace for the refpective Parifh, in Manner and Form according to the Laws and Conftitutions of the Kingdom of *England.* And all Church-wardens fhall duly make their Prefentments at the next Quarter-Seffions, that Offenders may appear, and anfwer to fuch Crimes as fhall be objected againft them.

Continuance.

Acts 30. All and Singular Statutes, Laws, and Ordinances made by the General Affembly, fhall continue, remain, and be in full Force and Power, and none of them be repeal'd or nullified, in part or whole, or any thing thereunto added, without the Affent and Advice of a like General Affembly confifting of the Governour, Council, and Free-holders.

Courts.

I. *Act* 17. Where Parties or Witneffes are neceffitated to depart out of this Ifland, and cannot ftay to have their Caufes decided in the ufual Courts according to the ordinary times therein accuftomed, the Prefident or Commander in chief for the time being, may upon Petition of the

the Plaintiff, appoint a ſpecial Court of 5 Judges, who, or any three of them, may according to Law, hear, try and determine the ſame, and grant Execution accordingly.

II. *Act* 18. This Iſland is divided into 5 Precincts. 1. The Pariſh of *Chriſt's Church*, and St. *Philips*. 2. St. *Michaels*, St. *Georges*, and St. *John*'s. 3. St. *Thomas*, and St. *James*. 4. St. *Peter*'s, *All-Saints*, and St. *Lucy*'s. 5. St. *Andrew Overhills*, and St. *Joſeph*'s. In each of which Precincts ſhall be a Court of Common Pleas of one Judge, and 4 Aſſiſtants, commiſſioned by His Majeſties Commander in chief of this Iſland, with Power for any three of them, to hear and determine all Common-Pleas according to the Laws of *England*, and Laws and Cuſtoms of this Iſland.

III. The firſt of which Courts ſhall be kept at *Charlestown*, the laſt Monday and Tueſday in *January*; the ſecond at St. *Michaels* on the Wedneſday, Thurſday and Friday following; the third at *James-town* on the Monday and Tueſday next inſuing; the fourth at *Little-Briſtol* the Wedneſday and Thurſday next inſuing; and the laſt in the Pariſh of St. *Andrew*'s the Friday and Saturday following. And the ſaid reſpective Courts are to continue their reſpective Sittings from 4 Weeks to 4 Weeks, till the 26th of *September*, yearly, and then adjourn till the aboveſaid laſt Monday in *January*, and then again revive according to the Limitation aboveſaid.

IV. The chief Judge of each of the ſaid Courts, hath Power to command the Appearance of the Defendants, by Warrant under his Hand and Seal. Provided the Plaintiff's Declaration be firſt entered on Record, a true Copy annext to the Summons, and Service made ten days at leaſt before the Court, by leaving it at the Defendant's Houſe.

V. If the Defendant ſhall not appear at the ſecond Court, and plead a good Plea in Bar, or Abatement, or ſhew ſufficient Cauſe for ſuch his Default, Judgment ſhall be entered againſt him. But if he appears the ſecond Court, and pleads an iſſuable Plea, the Cauſe ſhall be tried the next enſuing Court; when if the Defendant makes default, the Plaintiff's Evidence ſhall be taken and Judgment entered thereon; but if the Plaintiff neglect to appear, he ſhall be non ſuited.

VI. No

VI No Jury ſhall be ſummoned to try any Iſſue but what has been joined in ſome former Court, unleſs by Conſent.

VII. Execution ſhall iſſue 14 days after Judgment entered; which ſhall be directed to the Marſhal or his Deputy, to attach in the firſt Place any Cotton, Tobacco, Indigo, Ginger, Sugar belonging to the Defendant; if none ſuch, then Servants, Negroes, Cattel, or Moveables; if none ſuch, then Lands or Houſes; if none ſuch, then to arreſt the Perſon of the Defendant, and him keep in Cuſtody until ſatisfaction.

VIII. All which Moveables ſhall by the Marſhal be expoſed to ſale the firſt Market-day (Saturday excepted) after 80 days after Attachment, between the Hours of 12 and 4, and the Produce thereof delivered to the Plaintiff. (*Vid. Act* 335. *inf. Tit. Markets.*)

IX. If the Goods attached ſhall not prove ſufficient to ſatisfie the Plaintiff, then the Marſhal ſhall proceed to attach further, and ſell at the next Market following.

X. In caſe the Buyer be ſued for Goods ſo bought, he may plead the Sale in Bar. And all ſuch Sales ſhall be certified in Writing, and the Certificate filed in the Office.

XI. The Buyer ſhall pay his Money (unleſs the Plaintiff otherwiſe agree) within 5 days after, or the Judge ſhall iſſue Execution againſt the ſaid Buyer, for the Summ contracted for, and 20 *per Cent.* more; for which the Marſhal ſhall attach, and ſell at the next Market as aforeſaid.

XII. The Defendant may at his own Choice keep the Goods attached in his own Cuſtody, at his own Hazzard, during the 80 days aforeſaid, and in the mean time pay or compound the Debt with his Cerditor; but if he refuſe to keep the ſame the Marſhal ſhall proceed to ſale the next Market-day after ſuch refuſal.

XIII. If Goods periſh before the Sale, the Marſhal may attach a-new, unleſs the ſaid Goods have been abuſed by the Marſhal or his Deputy, who ſhall in ſuch caſe be reſponſible.

XIV. If the Defendant make away any Cattel, Stock, or Goods, after the ſame hath been legally attached, ſuch a Perſon, upon due Proof, ſhall be committed to Priſon for 14 days, and if in that time he doth not ſatisfie his Creditor, or produce the ſaid Goods attached, or their Value, he

ſhall

ſhall be put in the Pillory and loſe both his Ears. And the Marſhal re-attach and ſell as aforeſaid. (*vid. inf. S.* 35.)

XV. Eighty days after the Attachment laid on Lands, in caſe the Plaintiff be not fully ſatisfied in the mean time, the Chief Judge of the Court ſhall direct his Warrant of Appraiſement to 7 of the ableſt and indifferent Free-holders where the Land lies (in caſe the Land attached be 20 Acres, but if under, to 5 only) to appraiſe the ſame upon Oath. Which Oath ſhall be adminiſtered by the Marſhal or his Deputy, *To make a juſt, true, and conſcionable Appraiſement of the Lands,* &c. *according to the beſt of their Judgment and Underſtanding, and neither for Favour or Affection, Hatred or Malice, vary from the true Value which in their Judgment they think the ſame to be really worth.*

XVI. If any Perſon duly ſummoned for the Service aforeſaid ſhall neglect to appear, or refuſe to be ſworn, he ſhall forfeit 1000 *l.* of Muſcovado Sugar, half to the publick Uſe, and half to the Party grieved.

XVII. After ſuch Appraiſement made and returned, the Marſhal ſhall put the Plaintiff in quiet Poſſeſſion of the ſaid Lands. And the ſaid Marſhal may attach further if the Land be ſhort of the Debt, but if more, then ſo much of the Land to be returned as the over-plus ſhall amount to.

XVIII. In caſe the Title of the ſaid Land be queſtioned, the Plaintiff ſhall vouch the Defendant; and upon Eviction, the Plaintiff ſhall be repaired in Value out of other the Eſtate of the Defendant.

XIX. The Plaintiff at his entring into the ſaid Lands as aforeſaid, ſhall become bound in double the Summ of the Appraiſement, not to commit any Waſt upon the ſaid Lands during the ſpace of 20 days, and if in the mean time the Defendant do truly pay him the Debt, Damages and full Coſts and Charges, then on ſuch Payment to reſtore the Defendant to the Poſſeſſion of the ſaid Lands, *&c.*

XX. But if no ſuch Payment be made within the ſaid 20 days, then the Marſhal ſhall give the Plaintiff a Bill of Sale under his Hand and Seal of the ſaid Lands, which ſhall be good and valid againſt the Defendant and his Heirs, and all claiming under them.

XXI. The Defendant ſhall be at the Charge of carrying the Goods recovered or attached, to the next Market;

ket; and if he refuse, the Marshal shall provide Carriage, and place it to the Defendant's Account.

XXII. If any Person shall fraudulently make away any of his Goods or Tenements with intent to deceive his Creditors, he shall incur the Pains and Penalties by the Laws and Statutes of *England* appointed.

XXIII. If a Juror shall not appear at the time of Trial, or after Appearance shall withdraw himself, without lawful Cause, he shall forfeit 300 *l.* of Sugar to the publick Use, and stand committed till Payment.

XXIV. The Court shall assess and tax good and full Costs to be paid by the Party cast, to the other Party that appears to be unjustly molested.

XXV. The Court may fine any Person that misbehaves himself in open Court, not exceeding the Quantity of 1000 *l.* of Sugar, and commit him till Payment.

XXVI. Upon all Recoveries, upon Bonds and Mortgages of Lands, the Court shall admit the Defendant, if he desire it, to appeal to the Equity of the Court, which Appeal the Chief Judge, and any two of his Assistants, shall proceed to hear and determine according to Equity and good Conscience.

XXVII. Executions upon Judgments grounded upon Contracts made before the 25th of *Sept.* 1658, shall be executed according to the Laws and Customs then in force, and not otherwise.

XXVIII. Every Man shall be sued in the Precinct where he lives, unless two or more living in several Precincts be prosecuted for one Cause of Action; there the Commander in chief shall issue Summons, and appoint in what Court they shall appear and answer.

XXIX. No Executions upon Judgments entered upon *Nihil dicit*, shall issue till next insuing Court. But if the Defendant shall then make it appear that he was surprized, and that he hath good matter to plead, he shall be admitted to try the same, otherwise Execution to issue immediately.

XXX. If the Defendant shews Goods or Lands to the Marshal to be attached that are not really his own, he shall forfeit double the Value of the said Goods or Lands, half to the Publick, and half to the Party grieved.

XXXI. All Acts heretofore made concerning the matters in this Act provided for (excepted as before excep-

ted) ſhall be from henceforth adjudged void, and of no force, to all intents and purpoſes.

XXXII. *Act* 128. Such as ſue in any Court of Common-Pleas within this Iſland, for any Summ not exceeding 1000 *l.* of Sugar, 500 *l.* of Cotton, or 8 *l.* Sterling, ſhall file their Actions with the Clerk of the Court, in as ſhort a Form as may be, and deliver a Copy thereof atteſted by the ſaid Clerk, and the accuſtomed Warrant to the Marſhal, who is to ſummon the Defendant as uſual, and neither Plaintiff nor Defendant need appear till the third Court after ſuch Entry and Summons; and then the Cauſe ſhall be heard by one or more Juſtices of the ſaid Court, who ſhall cauſe an Order to be entered of what is juſtly due, that Execution may iſſue for the ſame.

XXXIII. But if at the third Court the matter cannot be clearly decided, then the ſame to be done at the ſaid third Court as is accuſtomed in other Actions. But where the matter is decided by the Bench, no charge to be allowed for Attorney's Fees on either ſide, but only the Fee of Entry 2 *s.* and the Marſhal's Summons 1 *s.*

XXXIV. If the Defendant appear not at the third Court, he ſhall be condemned by *Nibil dicit.*

XXXV. *Act* 140. Where Goods are legally attach'd, and left in the Debtor's Hands, if after 80 Days expired the Marſhal Summons the Debtor to bring down the Goods to the next Market, and the Goods be not brought accordingly, in ſuch caſe it ſhall not be required of the Plaintiff to make proof that the Defendant hath made them away; but if the Debtor doth not make it appear that the Goods miſcarried without his Default, it ſhall be taken for granted that he made them away; and the Judge ſhall proceed as by the former Law provided. (*Vid. Sup* S. 14.)

XXXVI. *Act* 144. Perſons informing againſt ſuch as are committed for petty Larceny, ſhall be bound to appear and proſecute at the next Quarter-Seſſions to be held for the Town of St. *Michael*'s.

XXXVII. And the Juſtices of the Peace there, ſhall have a full Power to hear and ſentence ſuch Offenders, as if the ſame were done at the general Seſſions and Gaol Delivery for this Iſland.

XXXVIII. Perſons accuſed for any Crime, and being acquitted upon Trial, or otherwiſe diſcharged from the Fact,

Fact, shall not be detained by the Provost Marshal for any Fees, nor shall pay any Fees, but only 1 *s.* 6 *d.* to the Turn-key.

XXXIX. Persons taken for petty Larceny, and finding Bail to appear in any other Parish than that of St. *Michael's*, may be tried and sentenced by the Justices in the Quarter-Sessions of the Precinct where they are taken.

XL. *Act* 210. Summons issued from Courts of Common-Pleas, and left in the Defendant's Hands, or which have been returned, and notice left with the Defendant, shall be held good for the time past, but for the future the Proceedings shall be as directed by a former Law. (*Vid. Sup.* S. 4.)

XLI. Before the Judge issues out any Original Writ of Summons, he shall cause the same to be fairly entered, in a Book of Entries for that purpose to be kept in the respective Precincts.

XLII. *Act* 377. After the 25th of *Octob.* 1692. No Person shall be admitted to sit and judge in Matters and Controversies in Error, and Equity, until he hath taken an Oath, *That he will according to the best of his Skill, Conscience, and Judgment, do equal Right, Law, and Justice to their Majesties, and all their Subjects and People, both rich and poor, without Favour or Affection, Hatred or Malice; or having regard to any Person whatsoever, that hath any matter, cause or thing at any time depending before him.* Which Oath the Governour shall administer to others, and take the same of his own Administration, which shall be as effectual as if done by a *Dedimus* specially obtained therefore.

XLIII. *Act* 444. From and after the Year 1698. shall be held a General Sessions or Assize of the Peace or Gaol Delivery, by the Governour, Council, Judges and Justices of Peace, on the second Tuesday in *December*, and the second Tuesday in *June*, yearly.

XLIV. If the Governour and Council shall not think fit to sit and give their continual Attendance, the Governour may commission and impower some able Person to sit as chief Judge, or Chair-man, and hold the said Sessions at such convenient Place as the Governour shall think fit.

XLV. The Governour shall give notice by his Precept or Writ, to be publish'd three several Sundays before the

holding the ſaid Seſſions, in the ſeveral Pariſh Churches, requiring ſix ſubſtantial Free-holders out of every Pariſh, at the time and place nominated, to repair to the ſaid Seſſions, to do ſuch Services on His Majeſties behalf as ſhall be required of them, and not to depart till diſcharged by the Court.

XLVI. The ſeveral Juſtices of Peace, Coroners, and other Officers, before whom any Recognizances, Inqueſts, Examinations, or other Writings relating to the Seſſions, ſhall be made or taken, ſhall ſend the ſame, together with the Liſts of the ſix Free-holders appointed to attend, to the Clerk of the Crown at his Office, at leaſt ſix days before the ſaid Seſſions, under the Penalty of 5 *l.* Sterling, and Commitment till payment, unleſs good Cauſe be ſhewn for ſuch neglect.

XLVII. Whoſoever Juſtice, Coroner, Officer, or Perſon ſummoned as Jury man, ſhall fail to give their Attendance, or neglect to appear being called, or depart from the Seſſions without leave, ſhall be fined 5 *l.* Sterling to the King, and committed till payment.

XLVIII. All Proceedings in criminal Matters, commonly called Pleas of the Crown, ſhall be according to the Laws and Statutes of *Englaud*, and of this Iſland. In all which matters every Juſtice of the Peace ſhall have a free Vote.

XLIX. According to the Cuſtom and Uſage of *England*, the incident Charges of the Seſſions, as to the Entertainment of the Court and Jurors, ſhall be born and ſatisfied out of the Fines, Forfeitures, and Amercements.

L. The Officers of the ſaid Court, and of every Court ſhall once every Year, or oftener if required, give an account of all Fines, Forfeitures, and other Profits, which happen in their Courts, to the Governour; a Copy whereof ſhall be tranſmitted to the Aſſembly then in Being, if any be, otherwiſe to the Speaker of the laſt Aſſembly.

LI. Two former Acts relating to the General Seſſions and Gaol-Delivery, repealed.

Cu=

Customs.

Act 195. If Goods that have paid the Duty of four and a half *per Cent.* shall happen to be cast away, or taken by Enemies or Pirates, after the same have been Water-born, or shipt in order to be exported, after the first of *December* 1675, the like Quantity of Goods may be again shipt Custom-free, upon Proof made before the Governour, or Commissioners of the Customs, in such manner as is appointed by the Act of Tonnage and Poundage. (*Vid.* 12. *Car.* 2. *ch.* 4. *S.* 4.)

D.

Distresses.

I. ACT 300. Any Person that shall have any Horse, Cattel, or other living Chattels taken Damage-fesant, or so pretended, may repair to the next Justice of Peace, who shall upon complaint and request of the Owner, grant his Warrant to summon the Party distraining, and if upon hearing, the Justice cannot accord the Parties, he shall grant his Warrant to three neighbouring Free holders to appraise the Damage, and upon return thereof, and the Appraiser's Oath, which the said Justice shall administer, and proof made of the Payment, or tender of the Damage, the Justice shall instead of a Replevin, grant his Warrant to the Constable of the Parish to take and restore the Distress to the Complainant. So in case the Party distraining shall not upon Summons, appear.

II. If the Diſtreſs ſhall be conveyed away, ſo as the Conſtable cannot make deliverance according to his Warrant, the Conſtable ſhall take the Party ſuſpected to have done it, and bring him before the Juſtice, and if it appear to the Juſtice that he hath ſo done, the Juſtice ſhall cauſe the Party's Chattels to the Value, to be delivered to the Complainant; or for want of Chattels, ſhall commit the Offender to Priſon, till the Diſtreſs may be taken, and Deliverance made.

III. The Juſtice or his Clerk may take 6 *d.* for every Warrant, and 1 *s.* for the Replevin.

IV. In caſe of Diſtreſs for Rent, or Pretence of Title, or Property to the Goods diſtrained, the Juſtice's Power ſhall ceaſe, and the Replevin ſhall iſſue from the Common Law.

V. Where any Perſon pleads Property as aforſaid, and makes not good the ſame at the Trial, the Court ſhall tax trebble Coſts againſt him.

E.

Elections.

I. ACT 435. Every white Man profeſſing the Chriſtian Religion, a born Subject of the King of *England*, or naturalized, of the Age of 21 Years, and ſeized of 10 Acres of Land in fee-ſimple, fee-tail, or for term of Life, in any part of this Iſland, or of any Houſes or Buildings of the yearly Value of 10 *l.* currant Money, or 2000 *l.* of *Muſcovado* Sugar, ſhall be deemed a Freeholder, and capable of electing Repreſentatives, or Veſtrymen in the Pariſh where ſuch his Eſtate lies, and to ſerve as a Juror on Trials.

II. No

II. No Joint-tenant or Tenant in Common, that hath not for his own ſhare 10 *l.* in Houſes, or 10 Acres of Land, as aforeſaid, ſhall be eſteemed a Free-holder.

III. None ſhall be deemed a Free-holder at the Election of Repreſentatives, or Veſtrymen, who ſhall produce a Conveyance of Lands, *&c.* in order to prove his Freehold, which hath not been acknowledged and duly recorded in the Secretary's Office, before the Date of the Writ of Election; and who ſhall not make Oath, if required, that the Deed by him produced is real and abſolute, and not fraudulent, and that he is in actual Poſſeſſion of the ſaid Land or Houſes, and receives the Profits of the ſame, and is under no Obligation to give up or ſurrender the ſame after he hath voted, or ſhall be elected. Except nevertheleſs, ſuch as claim to be Freeholders by Deed or Deeds executed and proved in *England*, and recorded in the Secretary's Office here. Except alſo, ſuch as claim by any laſt Will duly proved and recorded in the Secretary's Office.

IV. The Party to whom the Writ is directed, is impowered to ask ſuch other queſtions upon Oath, concerning the qualification of any Perſon offering to elect, or ſtanding to be elected, as to him ſhall ſeem meet, or ſhall be required by any Free-holder preſent. And all Perſons refuſing to anſwer ſuch queſtions as aforeſaid, ſhall be incapable of electing, or being elected, Repreſentatives. So alſo for Veſtrymen.

V. Quakers are admitted inſtead of taking an Oath, touching their Qualifications to vote, to *promiſe and declare in the Preſence of God, that what they ſhall anſwer ſhall be the Truth, the whole Truth, and nothing but the Truth.*

VI. If any Perſon ſhall ſwear, or declare, as aforeſaid an Untruth, ſuch Perſon ſhall be bound over to the Grand-Seſſions, and proceeded againſt as in caſe of Perjury, and be for ever uncapable of voting at any Election.

VII. Writs for Election of Aſſembly-men ſhall be by the Preſident and Council, or Governour with the Conſent of the Council, in the uſual Form, directed to the ſeveral Members of his Majeſty's Council, one in every Pariſh, who ſhall execute the ſame.

VIII. If there be no Councellour dwelling in the Pariſh, or be diſabled by Sickneſs, the Preſident and Council may direct the Writ to ſuch other Perſon of the ſame Pariſh, as they ſhall think fit.

IX. Upon calling an Aſſembly, all the Elections throughout the Iſland ſhall begin upon one day, between 8 and 9 in the Morning, and continue without Interruption till the Votes ſhall be finiſh'd.

X. A Paper of ſeveral Columns ſhall be provided, in which ſhall be ſet down the ſeveral Names of thoſe who ſtand, and every Voter ſhall ſubſcribe his Name or Mark, under the Perſon's Name he votes for.

XI. Every Perſon elected for a Repreſentative, or Aſſembly-man, ſhall take the Oaths appointed inſtead of the Oaths of Allegiance and Supremacy, and all other Oaths and Teſts taken or ſubſcribed by the Members of the Houſe of Commons in *England*, or be uncapable of ſerving as a Repreſentative.

XII. None ſhall be choſen or ſerve as a Veſtryman, who ſhall refuſe to take the Oaths appointed inſtead of the Oaths of Allegiance and Supremacy, if thereto required by any Elector preſent.

XIII. If any Member of the Aſſembly die, or depart the Iſland, the Preſident and Council ſhall within 20 days after, iſſue a new Writ, for chooſing another Perſon to ſerve in his place.

XIV. If any Perſon by Menaces or Threats, ſhall endeavour to force any Free-holder to vote againſt his Inclination, or hire, or otherwiſe procure any Vote, or after the Election menace, or abuſe any Free-holder, becauſe he voted not as he would have him, ſuch Perſon, if an Officer or Magiſtrate, ſhall upon due Proof of ſuch Violence made before the Aſſembly for the time being, be bound over to the next General Seſſions, to be of good Behaviour, and abide the Sentence of the ſaid Court, who ſhall upon Conviction, fine the Offender 50 *l.* Sterling, half to the King, half to the party grieved.

XV. And if any Perſon ſo offending ſhall be choſen a Member of the Aſſembly, after Conviction of ſuch illegal Practices before the Aſſembly for the time being, he ſhall be uncapable of ſitting, and further liable to the Fines and Forfeitures aforeſaid.

XVI. If any Perſon ſhall cauſleſly charge or impeach any one to be an Offender againſt this Act, and doth not make good the ſame, he ſhall forfeit to the King 50 *l.* Sterling, to be recovered by Action, Bill, Plaint, &c. provided ſuch Action be brought within three Months.

XVII. When

XVII. When Writs ſhall be iſſued for Election of Repreſentatives, they ſhall forthwith be publiſhed three Sundays ſucceſſively.

XVIII. All former Acts concerning electing Repreſentatives repealed.

Error.

Act 12. The Cuſtom and Uſage of hearing and determining Writs of Error, Petitions of Equitable Cauſes, and other ſuch like Matters, by and before the Governour and Council, ſhall continue and be in force, according to the ancient Practice in this Iſland.

Estates.

I. *Act* 22. A Deed in due form made, and within three Months after the Date acknowledged before the Governour, or ſome of the chief Judges of ſome Court of Juſtice within this Iſland, by all the Parties granting any Free-hold or Inheritance, and recorded in the Secretary's Office within the ſaid three Months, ſhall be valid without Livery, Attornment, or any other Ceremony. And no Deed without ſuch Acknowledgment and Inrollment ſhall paſs any Free-hold or Inheritance, or Leaſe above three Years.

II. A Feme Covert aliening, ſhall come before the Governour, or other chief Judge as above-ſaid, to acknowledge the Conveyance, and being by him privately examined, and ſhe confeſſing that ſhe doth it freely and voluntarily, her Acknowledgment of the Conveyance, and the Judges Name that took it endorſed, thence forth ſuch Writings ſhall be valid and firm againſt her, and all claiming under her. So alſo a Fine levied in *England* by a married Woman of Lands in this Iſland, being brought over, and recorded here.

III. All Perſons that now have, or claim to have, any Eſtate above the Term of three Years in any Land, *&c.* ſhall enroll their Deeds in the Secretary's Office, within one Year next enſuing, or elſe ſuch Deeds to be utterly void.

IV. Such

IV. Such Perſons as have been in quiet Poſſeſſion of any Lands, *&c.* for the Space of five Years laſt paſt, ſhall have good Right and Title to the ſame againſt all Men, during the Eſtate whereof they are poſſeſt. Except againſt ſuch as ſhall proſecute their Title within two Years next coming, Femes Covert, Perſons under Age, or of unſound Memory, proſecuting their Titles within one Year after their Impediment removed.

V. All Perſons to whom any Title, to any Lands, or Tenements ſhall deſcend, ſhall proſecute the ſame within two Years after, or they, and all claiming under them, ſhall be for ever barr'd to recover the ſame: Except Femes Covert, Infants, *&c.* who ſhall proſecute within one Year after the Impediment removed.

VI. The Secretary of this Iſland, his Deputy, or Clerks, ſhall with expedition fairly record Deeds brought to them to be enrolled, and ſhall not take for ſo doing above 50 *l.* of Tobacco. or the Value thereof, under Penalty of forfeiting 1000 *l.* of Tobacco, beſides Damages to the Party injured by his neglect.

VII. Whoſoever ſhall imbezel, raſe, interline, or deface any Record, ſhall upon Conviction by 12 lawful Jurors, incur the pain of Death, as in caſe of Felony. And the Party grieved by ſuch Imbezelment, Raſure, *&c.* ſhall have all the Eſtate real and perſonal of ſuch Offender.

VIII. Every married Woman (not having a Jointure made before Coverture) ſhall immediately after her Huſband's Death have a Right to Dower, and ſhall be endowed of one third part of the Lands and Tenements whereof her Husband died ſeized in this Iſland, according to the Laws of *England.*

IX. In all Actions concerning Titles of Land, quiet Poſſeſſion of the Lands in Queſtion for the Space of five Years, ſhall be a good Plea in Bar. And ſuch Plea duly entered, ſhall bar the Plaintiff or Demandant, unleſs he can make it appear that the ſaid five years Poſſeſſion incurr'd during the Plaintiff's Infancy, Coverture, or Nonſane Memory, or that the Defendant held the ſame as his Attorney, Tenant, Servant, or Over-ſeer, *&c.*

X. *Act* 122. No Deed made ſince the 11th of *September* 1649. or hereafter to be made, ſhall bar a real Purchaſer, unleſs it be acknowledged before the Reſident, Governour, or the chief Judge of one of the Courts of Common-Pleas in this Iſland, and recorded at large in the

the Secretary's Office, within three Months after the ſealing and delivery thereof. But in caſe any Perſon purchaſe Plantation-land, that he knows to be already ſold and by Deed conveyed to another, notwithſtanding the ſaid Deed be through Ignorance, or Negligence, not duly acknowledged or recorded as aforeſaid, ſuch former Deed ſhall ſtand good to bar the latter Purchaſer.

XI. *Act* 137. Perſons that have any Claim to Lands or Tenements, muſt make their Claim by their Action at Law duly entered in the Court where the Lands are, *&c.* to which Action the parties in poſſeſſion are to receive Summons from the ſaid Court. And no Judges and Courts of Common-Pleas, ſhall allow of any Claim of Lands, *&c.* other than what is made by Action on Record and Summons as aforeſaid.

XII. All Perſons making their claim to any Land within the Time limited by a former Act (*Sup. S.* 4. 9.) by Action, ſhall bring the ſame to Trial, and the ſame Trial ſhall be concluſive on the Plaintiff's part for ever.

XIII. All Perſons claiming under any Perſon who hath formerly loſt his Claim, ſhall be utterly barr'd, but the ſame muſt be duly pleaded in Bar, and given in Evidence upon the Trial.

XIV. A Man and his Wife of full Age, or Woman ſole reſiding in *England*, *Scotland*, or *Ireland*, or any of His Majeſty's Dominions, and acknowledging a Deed of Sale before any His Majeſties Judges, or Mayor of a Corporation, or before the Chief Governour of any Iſland or Place where they live, in which Acknowledgment the Woman to declare her free and voluntary Conſent without her Husband's Compulſion; the ſame being ſent hither and truly certified under Seal, and here recorded in the Secretary's Office, within 12 Months after Acknowledgment, it ſhall be as effectual to convey Land, as if the ſame had been done in this Iſland.

Evidence.

I. *Act* 9. Deeds, Bonds, Specialties, Letters of Attorney or other Powers in Writing, produced in any Court of Juſtice in this Iſland, atteſted to have been proved by Oath, under the Corporation-ſeal of the Lord Mayor of *London*, or chief Officer of any other City or Town

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Corporate, in *England*, ſhall be taken and adjudged as ſufficient in Law, as if the Witneſſes therein named had been perſonally preſent, and proved the ſame here; and ſuch Atteſtation ſhall be ſufficient Evidence to the Judge and Jury.

II. But no Execution ſhall be granted upon any Judgment had upon Teſtimonies ſo certified, till the Plaintiff (if the Defendant ſo require) give ſecurity in double the Summ recovered, that the Debt was a juſt and real Debt, and was never ſatisfied by any, in whole or in part. And the Debtor ſhall have two Years time to diſprove the Debt or any part of it, and he ſhall have the ſame Advantages of Proof as the Creditor is allowed. And if in that time it be not diſproved, nor any part thereof, the Security ſhall be void, and the Bonds given up. But if in that time the whole or any part be diſproved, the Plaintiff ſhall pay to the Defendant what is diſproved, with trebble Damages.

III. No Creditor ſhall have the Benefit of this Law, unleſs he firſt make Oath before the Mayor, or Officer who ſhall make the Certificate, that what he demands nor any part of it is ſatisfied; but if the Creditor claim as Executor or Adminiſtrator, then he ſhall only ſwear, as to his Knowledge.

IV. *Act* 19. No written Depoſitions of Deponents Reſident in this Iſland, ſhall be accepted for Evidence by Judge or Jury, unleſs it be proved that the Deponent departed from the Iſland before the Trial, or that he is hindred by extreme Sickneſs to appear perſonally, and that in ſuch Caſes the other party have notice when the ſaid Depoſition is to be taken; but if either Party being ſummoned, refuſe to come, then the Evidence may be taken without them, and in ſuch Caſes, as above expreſt, ſhall be good and ſufficient Teſtimony to the Jury.

Execution.

I. *Act* 188. Upon all Executions iſſuing upon Judgments grounded upon Debts or Contracts made after the Year 1675. the Marſhal and their Deputies ſhall proceed to Appraiſements, or Outcries, without Regard to the 80 days (*appointed by Act* 18. *Vid. Sup. Courts S.* 8. 15.) which 80 days are hereby made void, and taken off.

II. The

II. The Marſhal of the ſeveral Courts, and Conſtables are required to attach any Part or Parcel of any Windmills, Mill-houſe, or other Buildings, or things intire, for or towards ſatisfaction of any Debt, and the ſame ſo attached to appraiſe and deliver in ſeverally, and not intire, where the things are of far greater Value than the Debt.

III. *Act* 272. The foregoing Act revived and continued.

F.

Fees.

I. ACT 41. The Secretary, and all other Officers belonging to this Iſland, and the ſeveral Courts of the ſame, ſhall not receive or take any other Fee or Fees than what are in this Act expreſt, under penalty of forfeiting his or their Office or Offices, and Impriſonment, without Bail or Mainpriſe, the ſpace of one Month, immediately after Conviction by the Oath of one Witneſs, or other ſufficient Proof before the Governour, or one Juſtice of the Peace.

II. A Table of Fees ſhall be hung up in the Secretary's Office, and in the ſeveral and reſpective Courts, and Chancery, and Offices thereunto belonging. On Court-days, to hang up in Court during the ſitting, and at other times, in the Offices. Under the Penalty of 1000 *l.* weight of Muſcovado Sugar, one half to the uſe of the Iſland, the other to the Informer.

III. The Secretary, and the Clerks, and Marſhals of the ſeveral Courts, ſhall appoint ſome certain Place at the Sea ſide in their ſeveral Precincts, where their Fees may be paid in Sugar, and no Officer ſhall refuſe Sugar according

cording to the Prizes mentioned in the ſeveral Liſts annexed to this Act, upon the Penalty of forfeiting 1000 *l.* of Sugar.

IV. Then follows a Liſt of the ſeveral Fees (in Sugar) of the Secretary, of the Clerk of the Peace, of the Clerk of private Courts, of the Chancery Fees, and of the Marſhal. For all which particulars, ſee the Act at large, *Pag.* 49, 50, 51.

V. *Act* 42. No Eſtabliſhment made of any Fees, ſhall continue for any longer time than ſix Months. But if the Governour, Council, and Aſſembly, at the Expiration of the ſix Months, omit to make any Alteration, then the Fees before eſtabliſhed ſhall continue till Alteration be made by them.

VI. *Act* 108. No Officer hereafter named ſhall by themſelves, Deputies, or Servants, neglect, refuſe or delay, any Perſon, or take directly or indirectly, any other Fee or Fees than is in the Liſt in this Act expreſt, under Penalty of forfeiting 5000 *l.* of Sugar, one half to the publick Treaſury, the other to the Informer. And the Party to recover his Damages in his Action at Law. And the Offender ſhall loſe his Office or Imployment, ſuffer Impriſonment for three Months, upon Conviction by the Oaths of two credible Witneſſes, or his own Confeſſion.

VII. Tables of Fees ſhall be ſet up in the Offices herein after named, under the Penalty of 1000 *l.* of Muſcovado Sugar.

VIII. The ſaid Fees ſhall be paid in Sugar, or in Money at three half pence *per* Pound, at the Choice of the Payer.

IX. If any queſtion ariſe concerning the Goodneſs of the Sugar, the Value is to be made by the next Juſtice of Peace, and certified under his Hand, at which Value the Officer ſhall be bound to receive it under the Penalty aforeſaid.

X. The Provoſt Marſhal's Fees; the Clerk of the Peace his Fees; the Coroner's Fees; the Clerks of the Chancery and Examiner's Fees; the Sergeant at Arms his Fees; Fees to the Ordinary and his Regiſter; Fees allowed to Governours Clerks in the Naval-Office, or in any other Capacity; Fees taken by any ſworn Surveyor, Juſtice of Peace Clerk's Fees. For all which ſee the Act at large, *Pag.* 77, 78, 79, 80.

XI. *Act* 145. If the Secretary of this Island, by himself, Deputy, Clerk or Servants, shall receive directly or indirectly, or for expedition, any other Fees than is by this Act exprest and allowed, he shall forfeit the Office, be proceeded against as for Extortion, and be incapable of acting in any Office of publick Trust within this Island, upon Conviction by the Party's Confession, or Oath of one Witness before the Governour, or any two Justices of the Peace.

XII. The Fees of the Secretary, and the several Offices committed to his Management, shall be fairly ingrossed, and hung up constantly in his Office, under the Penalty of 10000 *l.* of Sugar.

XIII. Fees for Copies and Certificates out of the Secretary's Office not set down and appointed in this Act, shall be appointed by the Governour, provided the Price not to exceed one Pound of Sugar *per* line, 8 words in a Line.

XIV. There follows a Schedule of the Secretary's Fees, for which see the Act at large, *Pag.* 99, 100.

Fines.

I. *Act* 40. The Clerks of the several Courts within this Island, shall keep a just Account of all Fines imposed upon any Person for Misdemeanours in Court, or neglecting their Attendance on the same, when duly summoned; and every two Months deliver a List thereof, attested under their Hands, to the Marshals of the several and respective Courts, and also to the Treasurer of this Island.

II. Which said Marshals shall levy the said Fines upon the Goods, or Persons, of such as are fined, by Execution signed by the Judge of the Court within the Precinct; and having levied shall appraise and sell the same, returning the over-plus, if any. And what the said Marshals shall receive by reason and cause aforesaid, they shall convey and deliver the same to the Treasurer for the time being, for the publick use of the Island, the said Marshals taking his Receipt for the same.

III. Whatsoever Clerk or Marshal shall make default in their Duty herein; he shall for such Default lose his Office or Place, and lie in Prison for three Months with-

out Bail or Mainprise, upon Conviction by the Oath of one Witness.

Fires.

I. *Act* 56. Whosoever shall at any time wittingly or willingly set on fire any Sugar-cane field, or other Place where Sugar-canes grow, within this Island, he shall upon proof, receive 40 lashes on his bare Back, be branded on the Fore-head with the letter R. and serve the Party damnified for 7 Years. But he that does it casually shall make satisfaction according to the Damages.

II. This Act shall not extend to any that shall set on fire his own Sugar-cane-fields, so that it be not prejudicial to any other.

III. Whosoever shall carry Fire, or take Tobacco, in any Path where Sugar-canes are planted on both sides, or near to any planted Canes, he shall upon Conviction, forfeit 500 *l.* of Sugar for every such Offence, and if not able to pay the same, he shall have 20 Lashes upon his bare Back. The Fine to go to the Commissioners of the High-ways, for that Precinct.

IV. *Act* 160. *The same with the former.* But directs the forfeiture for carrying Fire, or taking Tobacco (*Sup.S.*3.) to be paid to the Church-wardens of the Parish where the Offence is committed, and to go to the use of the Poor, as the Vestry shall order; and the 20 Lashes to be given by the next Constable, or his Deputy.

Forcible Entry.

I. *Act* 84. No Person whatsoever shall make any forcible Entries, or forcible Detainure of any Lands, Houses, or Tenements, or enter secretly on Lands to gain Possession by setting up any Roofs, Huts, Hovels, Tents, or thatch'd Houses, or by any other private Practices without due Course and Recovery at Law, under Penalty of forfeiting to the King 10000 *l.* of Sugar for every Person so offending.

II. When any Person shall make such Entry and Detainure as aforesaid, the two next Justices of Peace shall upon complaint of the Party grieved, remove such Entries

tries and Possessions, and cause to be pulled down and destroyed all such Roofs, Huts, Hovels, *&c.*

III. And the Person or Persons so entring, possessing, or holding, or found doing contrary hereunto, shall be committed to the common Gaol till they have given Recognizance, themselves in 10000 *l.* of Sugar, and two Sureties in 5000 *l.* of Sugar each, to appear at the next General Sessions, and in the mean time to keep the Peace, at which Sessions the matter shall be examined, the Penalty adjudged, and paid to the Publick Treasury.

IV. In case of Resistance against the Justice or Justices, the said Justice or Justices, are to raise the Power of the County, and proceed against the Offenders as Rioters and Rebels. And the Justice of Peace who shall fail of doing as hereby required, shall forfeit 10000 *l.* of Sugar, half to the Publick, and half to the Informer.

V. This Act shall not extend to any Entry made upon Breach of Covenants, or Conditions, or for Arrears of Rent, or any such like Case, or the formal Entry made for sealing Leases of Ejectment, *&c.*

Forestallers and Ingrossers.

I. *Act* 171. Whosoever shall buy or cause to be bought up any Salt, Salt-beef, Pork or Bacon, or other Provision, brought to this Island, aboard any Ship, Boat, or Vessel whatsoever, from any Part beyond the Seas, or shall make any Bargain for buying the same before the said Provisions shall be brought on shoar and housed, or shall move any Person by Word or Letter for the inhauncing the Price thereof, all such Person or Persons shall be deemed Forestallers.

II. And whosoever shall by any means procure or obtain by buying, or contracting for, either on board or on shoar any of the said Provisions, to the Intent to sell the same at higher Prizes, or transport the same, without Licence from the Governour and Council first had, shall be deemed a Regrator and Ingrosser.

III. All and every Person or Persons so offending, and thereof duly convicted before two Justices of Peace, or at the Quarter-Sessions, shall for the first Offence, forfeit all their Provisions so bought, *&c.* and suffer Imprisonment the Space of three Months, for the second Offence,

ſhall forfeit double the Value of the Proviſions ſo bought, *&c.* and ſuffer ſix Months Impriſonment, and for the 3d Offence ſhall forfeit all his own Goods and Chattels, and ſuffer nine Months Impriſonment. All which Forfeitures ſhall go, one half to the Informer, the other to the Publick Uſe of the Iſland.

IV. This Act ſhall be given in Charge at the Quarter-Seſſions for the ſtrict Inquiry after the Breaches thereof.

V. *Act* 207. None ſhall ſell, barter, or diſpoſe of any Beef, Pork, Fiſh, Salt, or other dead Victuals or Proviſion brought to this Iſland, before the Seller maketh Oath before the next Juſtice of Peace that the ſame was really, and *bona fide* conſigned from ſome Foreign part beyond the Seas to him, or that he did himſelf bring the ſame to this Iſland from beyond the Seas. And whoever ſhall offend againſt the Tenour of this Act, ſhall be deemed a Foreſtaller.

VI. Every Perſon deſcribed to be a Foreſtaller, Ingroſſer, or Regrator, by the Stat. 5. *Edw.* 6. ſhall be in this Iſland deemed and judged ſuch an Offender. And ſuch Perſons ſhall be bound to appear, at the Election of the Informer, either at the General, or any Quarter-Seſſions, in the Summ of 50 *l.* Sterl. and his Sureties in 20 *l.* Sterl. each. And if at the ſaid Seſſions, any ſuch Perſon be found guilty, he ſhall for the firſt Offence forfeit the Summ of 30 *l.* Sterl. for the ſecond Offence 60 *l.* Sterl. and for the third Offence ſtand on the Pillory two hours, and alſo forfeit all his Goods and Chattels. One half of all which Forfeitures to be to the Informer, the other to the publick Uſe of the Iſland. The Informer may ſue for any of the ſaid Forfeitures, in the Court held for the Precincts of St. *Michael.*

VII. None ſhall be twice puniſh'd for one Offence. Nor ſhall this Act extend to Huckſters, and Market-People, who ſell Proviſions in ſmall Quantities in Market-Towns.

VIII. It ſhall be ſufficient for Perſons whoſe perſwaſions will not give them leave to make oath, to produce a ſufficient Witneſs to teſtifie the Tenor of the Oath in this Act appointed, ſo as the ſame be recorded.

IX. None ſhall buy any dead Victuals or Proviſions afore-mentioned, when landed, and carry off the ſame into any Ship, Boat, or other Veſſel, with apparent Intent

to

to tranſport it from this Iſland, upon Penalty of forfeiting the Ship or Veſſel with its Guns, Tackle, *&c.* together with the ſame Victuals or Proviſion.

X. If the ſaid dead Victuals ſhall not be diſcovered, and ſeized before it be ſent from this Iſland, then the Party ſending ſhall forfeit 5 *l.* Sterl. for every Barrel of Beef, and Pork, or every hundred of Fiſh, *&c.* one Moiety to the Informer, the other to the Publick; unleſs the ſame be for the neceſſary Uſe and Proviſion of ſuch Ship or Veſſel's Company and Paſſengers.

XI. The Clerk of the Market of this Iſland, his Deputy or Deputies ſhall take due Care that this Act be duly obſerved, and proſecute the Offenders, upon the Penalty of loſing their Offices.

G.

Ginger.

I. ACT 165. None ſhall bring, deliver, ſend, receive or take into any Ship, or Veſſel, any uncured Ginger, to be tranſported off this Iſland, upon pain to forfeit all ſuch Ginger ſo ſhipp'd or put on board, one half to the Governour, the other to the Informer. Any two Juſtices may convict the Party offending by the Oaths of two Witneſſes or his own Confeſſion, and levy the Forfeiture by their Warrant of Diſtreſs.

II. The Offender ſhall alſo be committed to Priſon, upon Conviction, there to remain for the Space of one whole Year.

III. Every Commander of a Ship or other Veſſel, who ſhall take on board his Ship or Veſſel any uncured Ginger, contrary to this Act, ſhall for ſuch Offence forfeit 10000 *l.* of Muſcovado Sugar, and ſuffer one Years

Imprisonment. The said Forfeiture to be levied by Warrant of Distress under the Hands and Seals of two Justices of Peace, before whom Conviction shall be made, one half to the Governour, the other to the Informer.

IV. If any Master of a Ship, *&c.* hath now taken or received on board any uncured Ginger, he shall with all convenient speed land the same, that it may be restored to the Owners. And in case he shall neglect or refuse so to do, and shall transport the same, then the said Master, whenever he returns to this Island, shall upon Conviction, be committed to Prison for the Space of one Year.

V. A Justice of Peace refusing or neglecting his Duty enjoined by this Act, shall upon Conviction at the Quarter-Sessions, forfeit 10000 *l.* of Muscovado Sugar, to be levied by Warrant of Distress, to the Use of the Fortifications of this Island.

VI. The Governour is desired, and impowered, to appoint Waiters and Searchers, who may go on board any Ship or Vessel, and there search for all such uncured Ginger; and if any such be found, seize the same, and give notice thereof to the two next Justices of Peace, that further Proceedings may be made.

VII. When a Master of a Ship, *&c.* gives Bond in the Secretary's Office not to carry off any Person unlawfully from this Island; it shall also be inserted in the Condition of the said Bond that he shall not take on board his Ship, *&c.* any such prohibited Ginger. And if he refuse to sign such Bond with the said Clause inserted, he shall be debarr'd trading here. And the Secretary or his Deputy shall be diligent and careful to insert the said Clause in the said Bond to be signed by every Master of a Ship, *&c.* upon the Pain and Forfeiture of 10000 *l.* of Muscovado Sugar, to be levied in manner aforesaid, for the Use of the Fortifications.

Governour.

I. *Act* 442. Five hundred Pounds *per An.* shall be duly paid out of the publick Treasury of this Island, by two equal Payments, to such Person as the Governour, *Ralph Grey*, Esq; shall appoint, for the Rent of such Habitation as he shall think fit to hire.

II. *Act*

II. *Act* 443. The Summ of 2000 *l.* current Money of this Island, shall be paid by the Treasurer, out of the Duty arising by the Excise of Wines, to the Honourable *Ralph Grey*, Esq; his Executors or Administrators, as a present for, and towards his better support in the Government. And his Majesty is humbly besought to grant his Warrant or Order for the same.

H.

High-Ways.

I. *ACT* 23. The Vestry-men in the several Parishes within this Island, shall meet on the third Monday in *January* yearly, at their Parish Church, and there elect four substantial Free-holders, seized of 20 Acres of Free-hold, or 30 of Lease-hold, to be Surveyors, for one Year next coming.

II. Upon failure, of the Vestry, the Justices at the next Quarter-Sessions shall nominate the Surveyors.

III. Every Person so elected and appointed Surveyor, shall undertake the Office, and within ten Days procure himself to be sworn before a Justice of the Peace, diligently and faithfully to execute the Office of Surveyor of the High-ways in that Parish for the Year ensuing, and make a faithful Account. If any refuse to accept of the said Office, and to procure himself to be sworn, he shall forfeit 1000 *l.* of Sugar.

IV. Such Surveyor being sworn shall within ten days after, view the High-ways, broad Paths, and common Bridges, Water-courses, Streets and Causways, and common Nusances in the said Ways, in their respective Parishes, and consider the Charges necessary for amending the same, upon pain of forfeiting 200 *l.* of Sugar.

V. They ſhall within ſix days after give publick notice in the Church, for the Veſtry to meet and make an Aſſeſsment for the purpoſes aforeſaid, who are thereupon authorized to aſſeſs the Pariſhioners in Labourers, or Goods, or both, as their ſeveral Proportions in Land will admit, not exceeding for ten Acres, one Man for two days, or 10 *l.* of Sugar; and for dead Goods, the ſame Proportion for 100 *l.* Sterl. value.

VI. In caſe the Veſtries ſhall not meet, or not agree upon an Aſſeſsment within two days after their appointed time of meeting, the Surveyors themſelves ſhall make a Rate in writing according to the aboveſaid Directions. Which Rates ſo made by the Veſtry, or Surveyors, and confirmed by one Juſtice of Peace, ſhall ſtand good unleſs altered by the Juſtices at the Seſſions, upon Complaint for Inequality.

VII. Where High-ways or broad Paths are not 60 Foot wide in ſtanding Wood, 40 Foot at leaſt where ſtanding Wood is on one ſide, and 20 Foot at leaſt in open Ground, or where the Hedges are not plaſhed as occaſion requires, and the High-ways kept clear from Trees, Buſhes, *&c.* the ſaid Surveyors ſhall by Warrant under their hands, enjoin the Occupiers of the Land to ſee the ſame performed; and in caſe they ſhall neglect to perform the ſame within ten days after, and be thereof convicted before any one Juſtice of Peace in that Precinct, then every ſuch Perſon ſhall be fined by the ſaid Juſtice 1000 *l.* of Sugar to be paid to the ſaid Surveyors, and Commitment till paid. Which ſhall be imployed to the opening the ſaid Ways, *&c.*

VIII. Every Pariſhioner that fails to pay his Rate to the Surveyors of the High-ways for the ſpace of ſeven days after notice for payment thereof, ſhall pay double.

IX. The Surveyors ſhall yearly ſummon the Neighbourhood to ſend to the Place appointed ſo many Labourers as they are aſſeſt, with ſuch Tools as are convenient; and Defaulters ſhall pay for each day 20 *l.* of Sugar, to be levied by Diſtreſs, by Warrant under the Hands of the ſaid Surveyors, or any two of them

X. Surveyors or any two of them, may dig for Stone, Gravel, *&c.* in any Waſt or Common within the Pariſh, or if not there to be had, upon any private Man's Paſture,

ſture, or other Grounds not imployed with Canes, Cotton, Tobacco, Indigo, or Ginger; with convenient Way for ſending for the ſame at ſeaſonable times, reaſonable ſatisfaction being made as the Parties ſhall agree upon, or in caſe the Parties cannot agree, then as the next Juſtice of Peace ſhall ſet down and appoint.

XI. Two Surveyors may preſs any Wain with ſix Oxen, or Cart with five Horſes, for Carriage, every Cart or Wain to have two Men to go with it. The Owner of ſuch Wain, *&c.* to be allowed in deduction, for each day, the Labour of 12 Men out of his Aſſeſment, and in caſe the ſaid Owner's Tax will not amount to ſo much, the Overplus ſhall be paid by the Surveyors, in Sugar.

XII. None ſhall plant or make Fence, by any Highway-ſide, of any Broad-prickle pair-Buſhes, or Pimpeloes, and ſuch as are already planted ſhall be removed within three Months, upon pain of forfeiting 300 *l.* of Sugar, every three Months if not removed.

XIII. Ditches, and Water-courſes, in or near Highways ſhall be amended by the Surveyors, the Ditches dreſs'd and ſcoured, and the Water-courſes ſtopt and turned.

XIV. Where there is occaſion to alter old, or lay out new High-ways, with a ſtrait Path to ſuch Plantations as want it: The two next Juſtices of Peace, upon Information by the Surveyors, ſhall iſſue their Warrant to the next Conſtable, to impanel a Jury of the Neighbourhood, who are impowered to allot and lay out the ſame, according to the Dimenſions before expreſs'd. A Juror ſummoned and neglecting to appear, or refuſing to perform his Duty, ſhall forfeit 300 *l.* of Sugar; and the Conſtable, if faulty, the like Penalty.

XV. All Summs or Quantities of Sugar ariſing by Aſſeſment, and Iſſues forfeited by Jurors, and all Fines and Amercements by this Act ariſing, ſhall be imployed and beſtowed by the Surveyors for doing ſuch Work as is hereby appointed to be done and performed, and ſhall be levied by the Surveyors or Conſtables, by Warrant from any Juſtice of Peace within the Pariſh, by Diſtreſs and Sale of Goods, and for default of Diſtreſs, and Non-payment for ten days, the Party to be committed till he pay the double, and Charges incurred.

XVI. Suit commenced against any Constable or Surveyor of the High-ways, shall be laid in the proper Precinct. The Defendant may plead the general Issue, and give the special Matter in evidence; and if what was done appears to be in pursuance of this Act, the Jury shall find for the Defendant. If the Plaintiff be non-suited or discontinue, the Defendant shall have his full Costs, and also 1000 *l.* of Sugar more for the unjust Trouble and Vexation.

XVII. Every Surveyor shall, within one Month after the Expiration of his Year, yield to the Vestry of his Parish a true and perfect Account of all his Receipts and Payments by reason of his Office, and pay the Overplus (if any be) to the next Surveyors. And upon refusal or neglect so to do, any one Justice of Peace may commit such Surveyor to the common Gaol, untill he shall make such Account and Payment as aforesaid, with satisfaction for the Damage sustained by his neglect. But if the said Justice finds such Account good, it shall be allowed, and the Surveyor never afterwards questioned or troubled.

XVIII. All Gate-places in publick Roads, shall be at least ten Foot wide between Post and Post; and there shall be made at the Charge of the Owner of the Land where such Gate shall be, a good Causeway or firm Gravel path, of the wideness of the Gate, and to extend in length 20 Foot of each side the Gate. He that neglects to make such Gate, of such wideness, and such Causeway as aforesaid, shall forfeit 2000 *l.* of Sugar, and as much for every three Months after till he hath made the said Causeway; and if he neglects to repair it within 20 days after he is ordered to do it by the Surveyors, he shall forfeit 1000 *l.* of Sugar.

XIX. Surveyors shall remove all Rails put up in any common High-ways. And whoever sets up such Rails hereafter, he shall forfeit for so doing 200 *l.* of Sugar.

XX. Owners of the Land on each side such old ways that are of a narrower scantling than by this Act is required, shall make a firm and sufficient Causeway, or Gravel path, between the Fences, broad enough for two Carts to meet and pass, and also enter into Bond of 100 *l.* Sterling, constantly to keep the same in good Repair. Then and in such Case the Surveyors shall forbear to break

break down the ſaid Fences, or widen the ſaid way, any thing in this Act notwithſtanding.

XXI. Upon all extraordinary occaſions of Charge in reparation of High-ways, Paths or Bridges in the Pariſhes neareſt the Sea, reaſonable Contribution ſhall be made by the Pariſhes further off who have the Benefit of ſuch Reparations, as the Juſtices of Peace at the general Seſſions ſhall judge reaſonable.

XXII. A Juſtice of Peace who ſhall refuſe his Duty as required by this Act, ſhall upon Conviction before the Commander in chief, or any two of the Council, forfeit 10000 *l.* of Muſcovado Sugar, for the Uſe of the High-ways where the Default was made, and Commitment till payment.

XXIII. All former Acts concerning High-ways made void and null.

XXIV. *Act* 131. Juſtices of Peace at their Quarter-Seſſions, or the Veſtries of each Pariſh, may nominate, conſtitute and appoint, as to them ſhall ſeem meet, any chief Over-ſeer, Attorney, or Agent, living upon any Plantation of 60 Acres or more, whoſe Owner is not at that time reſident within this Iſland, to ſerve as Surveyors of the High-ways, or Conſtables.

XXV. And in caſe ſuch Over-ſeer, *&c.* ſhall refuſe to be ſworn, and officiate by himſelf or Deputy, he ſhall forfeit out of his own proper Eſtate 2000 *l.* of Muſcovado Sugar, to be levied by Diſtreſs; and in caſe he hath no Eſtate to that Value, he ſhall be committed till payment, or performance of his Duty.

XXVI. All Forfeitures by this Act ariſing ſhall be imployed towards the Maintenance of the Poor of the Pariſh, where the Offence is committed.

Hogs.

I. *Act* 8. Every Inhabitant of this Iſland may kill or cauſe to be killed, any Hogs that come into his Proviſiſion, Ground, Canes, Cotton, Ginger, or Tobacco, and when killed, weigh, appraiſe, and diſpoſe of the ſame as he pleaſeth. But,

II. If he knows the Owner he ſhall pay him what they ſhall be appraiſed at, deducting the Damage he hath ſuſtained.

III. The

III. The Appraisement of any two next Free-holders shall be sufficient.

IV. In case the Owner be not known, he shall nail up the marked Ears of the Hogs 14 days in a publick Place, that the Owner may be found out.

V. If such like Damage be done by Horses, Cattel, Assineroes, Goats, or Sheep, the Party damnified may impound the same according to the Laws of *England*, and likewise get the two Free-holders as aforesaid, to view and adjudge the Damage, which being set under their hands and sworn to, shall be sufficient Evidence to a Jury at a Trial upon a Replevin.

VI. The Party damnified shall be allowed 2 *l.* of Sugar *per* day, for every head during the time he lawfully keeps the Distress.

I.

Imprisonments.

I. *ACT* 438. Any who are or shall be committed for criminal Matters (except for Treason, or Felony plainly and specially express'd in the Warrant of Commitment) may move and pray by petition the chief Baron of the Exchequer in this Island, or any of the chief Judges of the several Courts of Common-Pleas, for a Writ of *Habeas Corpus*, which shall be granted within 48 hours after such Application, directed to the Person who hath the Custody of such Prisoner; which being served upon him, or left at the place where such Prisoner is, the said Person who hath the Custody of the Prisoner, shall within 12 hours after such Service of the Writ, upon tender of Charges, not exceeding 12 *d.* *per* Mile, and Security given to pay the same, and not to make an escape

by the way, bring or cauſe to be brought the Body of ſuch Priſoner before the ſaid Baron or Judge who granted the Writ, and then alſo certifie the true Cauſe of his Detainure or Impriſonment.

II. The Judge before whom ſuch Priſoner ſhall be brought, ſhall diſcharge him from his Impriſonment upon his Recognizance with Sureties to appear at the Court where his Offence is properly cognizable, and certifie the Writ, Return, and Recognizance, to the ſame Court, unleſs it appear to the ſaid Judge that the Priſoner is not bailable.

III. If ſuch Baron or Judge as aforeſaid, upon view of the Copy of the Warrant of Commitment, or oath made that a Copy was denied, ſhall deny to grant ſuch *Habeas Corpus*, or having granted ſuch Writ, ſhall refuſe or delay to diſcharge the ſaid Priſoner as by this Act directed, he ſhall forfeit 500 *l.* Sterling to the Party grieved, his Executors, *&c.* to be recovered in any Court of Record within this Iſland, wherein no Eſſoign, *&c.* or ſtay of Proſecution by *Non vult ulterius proſequi*, ſhall be allowed.

IV. No Provoſt Marſhal, or other Officer whatſoever ſhall impriſon, keep in Cuſtody, or detain, any of His Majeſties Subjects above 12 hours, unleſs by *Mittimus* in writing ſetting forth the Cauſe, upon Penalty of forfeiting 500 *l.* Sterl. to the Party ſo detained. And upon ſuch wrongful Impriſonment or Detainure the chief Baron, or any Chief aforeſaid, ſhall upon Application to him or any of them, immediately iſſue his Warrant, commanding the Provoſt, or other Officer ſo detaining, to bring the Priſoner before him, and the ſaid chief Baron, or chief Judge ſhall immediately diſcharge the ſaid Priſoner without Bail, or paying any Fees. And if the ſaid Provoſt or other Officer ſhall refuſe or neglect to obey the Warrant, the Baron or Judge who granted the ſame, ſhall commit him to the common Gaol, there to remain for ſix Months. If the Baron or Judge ſhall upon requeſt refuſe to grant ſuch Warrant, or diſcharge the Priſoner, as by this Act directed he ſhall forfeit 500 *l.* Sterl. to the Party grieved.

V. No Perſon inlarged upon *Habeas Corpus* ſhall be impriſoned again, unleſs by the Court where he is bound to appear. And if any ſhall impriſon again any Perſon ſo inlarged, he ſhall forfeit 500 *l.* Sterl.

VI. If

VI. If any Provoſt Marſhal or other Officer to whom ſuch Writ of *Habeas Corpus* is directed, refuſe or delay to return the ſaid Writ, or bring the Priſoner according to the Command of the ſame, or refuſe a true Copy of the Warrant of Commitment for ſix hours after demand, he ſhall forfeit to the Party grieved 500 *l.* Sterl.

VII. There ſhall be yearly held within this Iſland two Courts of general Seſſions, or Courts of Oyer and Terminer, and general Gaol-Delivery, one to begin on the 2d Tueſday in *December*, the other on the 2d Tueſday in *June*, yearly, the Charge to be born out of the publick Treaſury not exceeding 100 *l.* Sterl. each Seſſions.

VIII. If any of His Majeſties Subjects ſhall be committed for Felony or Treaſon, ſo as he cannot have his *Habeas Corpus*, and ſhall not be indicted and tried at the next general Seſſions after his Commitment, or upon his Trial ſhall be acquitted: In ſuch caſe the chief Baron, or one of the chief Judges, ſhall upon application made to him, ſet at liberty the Priſoner, upon Bail, in like manner as is before directed where the Commitment is not for Treaſon or Felony plainly and ſpecially expreſs'd in the Warrant.

IX. Such Baron or Judge refuſing or delaying to do his Duty herein, ſhall forfeit to the Party grieved 500 *l.* Sterl. The like Penalty ſhall be incurr'd by the Provoſt Marſhal, or other Perſon who ſhall have the Priſoner in Cuſtody, and ſhall refuſe or neglect to do his Duty herein, and he ſhall alſo be committed to the common Gaol for ſix Months.

X. Nothing in this Act ſhall extend to diſcharge any out of Priſon that is impriſoned for Debt, or by Decree or Order of Chancery, or any judicial Proceedings of any Court of Record in this Iſland.

XI. None ſhall be ſued or moleſted for any Offence againſt this Act, unleſs it be within three Years after the Offence committed, in caſe the Party grieved be not then in Priſon, or if ſo, then within three Years after his Death or Delivery out of Priſon.

XII. The Baron or Judge who grants the *Habeas Corpus*, ſhall take for himſelf or Clerk's Fees no more than 2 *s.* 6 *d.* and for the Recognizance 2 *s.* 6 *d.* The Provoſt Marſhal ſhall take for every Commitment 5 *s.* for every Bond the Priſoner ſigns 1 *s* 3 *d.* for the Copy of the *Mittimus* 1 s. 3 *d.* and no more.

XIII. Any

XIII. Any Perſon who ſhall be ſued for any Offence committed againſt the Form of this Law, may plead the general Iſſue, and give the ſpecial Matter in Evidence.

Incroachments.

Act 32. Whoſoever ſhall incroach upon his Neighbours line within the old Bounds, or cut down any Corner, or marked Trees, directing in the Lines, or other Trees out of his Bounds, ſhall forfeit for every ſuch marked, and Corner, or Timber, Tree ſo cut down 500 *l.* of Sugar, and for every other 100 *l.* of Sugar, all which ſhall be recovered to the Party ſuffering, by Action of Debt, in any Court of Record within this Iſland.

Judges.

I. *Act* 79. All proceedings hitherto done by the ſeveral Judges and their Aſſiſtants, by Virtue of their Commiſſions under the private Seal of *William* Lord *Willoughby* of *Parham*, Captain General, and chief Governour, ſhall be as valid and effectual as if the publick Seal had been affixed to the ſaid Commiſſions.

II. *Act* 430. It ſhall not be lawful for any Judge in this Iſland, to plead or practiſe in any of the Courts within the ſame, any former Uſage or Cuſtom notwithſtanding.

Judgments.

Act 303. Where any Attorney of the Courts of Common-Pleas in this Iſland, ſhall have any Warrant to confeſs Judgment before ſuch a Judge that is ſince the giving of the ſame, dead, or removed from the Precinct where he was Judge at that time, he may by Virtue of ſuch Warrant, confeſs Judgment for ſuch Summ of Money or Sugar as in the ſaid Warrant is contained, before the preſent Judge of that Precinct where the Judgment is to be confeſs'd. Which Judgment ſo confeſs'd ſhall be as binding, and effectual in Law as if confeſs'd before the Judge

named in the Warrant. And the Attorney ſo confeſſing, is hereby indempnified for ſo doing.

L.

Laws.

I. ACT 55. All ſuch Acts and Statutes as have been made and publiſhed in this Iſland, or confirmed by any Governour and Council by virtue of any Commiſſion from K. *James* I. K. *Charles* I. or K. *Charles* II. or with the Aſſent and Conſent of the Repreſentatives of this Place legally called, which ſtand unrepealed by any Authority aforeſaid, ſhall be in full Force and Virtue in this Iſland. And all Acts and Statutes made by any other Authority, are utterly void and of none effect.

II. *Philip Bell*, *Robert Hooper*, *Conſtant Sylveſter*, *Simon Lambert*, *John Jennings*, and *Richard Evans*, Eſqs; and Mr. *Edward Bowden* Secretary, appointed to collect and compile all Acts and Statutes in force as aforeſaid, and them cauſe to be fairly entered and inrolled by the Secretary in one Book by themſelves. Which Acts and Statutes ſo entered and inrolled, and none other, ſhall be taken and eſteemed the Acts and Statutes in force made in this Iſland.

III. One fair Copy of all the ſaid Acts ſhall be fairly writ out, attested by the Secretary, and ſent to the Miniſter of the Pariſh of St. *Michael*, to be by him publiſh'd in his Pariſh Church the next Sunday, and from thence tranſmitted from Pariſh to Pariſh to the End it may be publiſh'd in the other ten Pariſhes of this Iſland, the ten next ſucceeding Sundays. The ſaid Copy to be conveyed

to

to the ſeveral Miniſters of the Reſpective Pariſhes by the Provoſt Marſhal or his Deputy, who ſhall return the ſame atteſted, and publiſhed to the Clerk of the Aſſembly, to be by him kept.

IV. Nothing in this Act ſhall give liberty to any Perſon to aſſign Errour againſt the Juriſdiction of any Court in this Iſland, held before the 28th of *February* laſt paſt, (*viz*. Feb. 1666.)

V. The preſent Governours ſubſcribing their Names to this Act, ſhall be deemed as effectual as if the publick Seal (which cannot at preſent be had) were thereunto affixed (Paſt, 1666.)

VI. *Act* 1. The Commiſſioners above-named (*S*. 2.) certifie (18 *July* 1667.) the Laws by them collected, and contained in 153 ſheets of Paper, to be the Laws of publick Concern ; and that all the private Laws ought to be enrolled, and ought to be of force from their ſeveral Dates.

VII. By an Act paſt, 7 *Sept*. 1698, and printed in the beginning of the Act at large, though not numbered, it is enacted that the Body of the Laws collected by *William Rawlin*, Eſq ; preſent Clerk of the Aſſembly, containing the Laws of this Iſland (except private Acts) be forthwith tranſmitted to *England* in order to the printing thereof ; that the ſaid Book of Laws when printed, ſhall be deemed and held a good lawful Statute-Book of this Iſland of *Barbados*, and that any other Impreſſion of the ſaid Laws made by any other Perſon, and hither imported, ſhall be of no force or validity.

VIII. Alſo that every Perſon who ſhall import and expoſe to ſale any of the ſaid Statute-Books not printed by the ſaid *W. Rawlin* or his Aſſigns, ſhall forfeit for each Book the Summ of 40 *s*. half to the King, and half to the ſaid *William Rawlin*. And the ſaid *W. R*. or any other Clerk of the Aſſembly for the time being, ſhall have full Power and Authority to print all Laws and Acts, which ſhall be paſs'd for the future.

Lawyers and Law-ſuits.

I. *Act* 142. None ſhall imploy or entertain in any one Cauſe more than two Attorneys upon pain of 2000 *l*. of Sugar, and to be committed to the Marſhal of the Court

Court where the Cause is trying for the present; and then to the Provost Marshal till payment.

II. Upon taxing any Bill of Costs the Court shall allow no more than 100 *l.* of Sugar in a plain Cause, and 200 *l.* of Sugar in any special Cause, for Lawyer's Fees. And if the Client be willing to pay Money, it shall not be refused at 12 *s.* 6 *d.* *per* Hundred of Sugar.

III. No Attorney shall refuse to plead any Man's Cause whatsoever (if not retained against him) upon tender of such Fee as aforesaid, with respect to his Oath, nor take more Fees than allowed, nor offend against this Act in any particular, upon pain of being debarred from ever pleading in any Court of this Island.

IV. Every Attorney shall take an Oath before he be admitted to plead in any Cause whatsoever, *To do no falshood, nor consent to any to be done in this Court, and if he know of any to be done, to give notice thereof to the Judge and his Assistants, that it may be reformed, to delay no man for Lucre or Malice, nor increase Fees, but be contented with, and not directly or indirectly take more than the set Fees of this Act, to plead no foreign Plea, nor sue foreign Suits unlawfully to hurt any man, but such as stand with the Order of Law, and his Conscience, not wittingly or willingly to sue, cause or procure to be sued, any false Cause or Suit, or give Aid or Consent to the same, upon pain of being expulsed this Court for ever. And further to demean himself in the Office of Attorney within this Court according to his Learning and Discretion.*

M.

Market.

I. ACT 335. Upon Attachment of any *Negro* Slaves, Cattel, Coppers, Stills, or other Chattels, by Virtue of any Execution for above 100 *l. Sterl.* or that value, notice in Writing ſhall be ſet up four Days at the fartherſt after the Attachment, upon the Court-Door of every Precinct, of the Goods and Particulars ſo attached, and the place and time where and when they are to be Sold, which Sale ſhall be at ſometime between ten and fourteen Days after Attachment.

II. When the *Negroes*, Cattel, and other Chattels aforeſaid ſhall be brought to Market, the Debtor may diſpoſe the Goods ſo attached into Lots, as he ſhall think moſt convenient for his Intereſt. If he neglect or refuſe, the Marſhal ſhall do it, not exceeding the number of five *Negroes* to a Lot, unleſs there be more than five of one Family of *Negroes*. Alſo the Marſhal ſhall not Sell above five Head of Cattel, and one Copper, and one Still, in one Lot, unleſs otherwiſe appointed by the Debtor. Other Chattels ſhall not exceed the value of 50 *l. Sterl.* in each Lot.

III. No Outcrys of Sales ſhall be made in any place, but in open Market only, except Timber, Sugar pots, Dwips, and other heavy Goods too troubleſome to be removed out of the Plantation.

IV. The Marſhalls Fee for levying Execution, ſhall be computed at 12 *s.* 6 *d.* in Money, for 100 *l.* of Sugar, in commuting, and no more.

V. Every Officer in this Iſland ſhall ſet up in his reſpective Office, a fair Table of Fees allowed him by Law; or forfeit for every Months neglect of ſo doing 10 *l. Sterl.* half to the King, half to the Informer.

VI. Whatsoever Officer shall exact, or extort for Fees more than by Law is allowed, he shall forfeit 50 *l. Sterl.* half to the King, half to the Informer, and upon Conviction, be ever after uncapable to execute that Office.

Militia.

I. *ACT* 437. Every Freeman inhabiting this Island not serving on Horseback, shall be listed a Soldier on Foot, and provide himself with one Red Coat, Black-hat, Musquet, Sword or Bayonet, Cartridge-Box fill'd with Cartridges, fitted with Powder and Ball, or one Coller of Bandaleers, and shall always have by him one pound of Powder, and four pound of Musket Bullets.

II. Every Inhabitant of this Island possest of Land, shall find a Man for every 20 Acres, so provided with Arms, *&c.* as every Freeman serving on Foot. Except those who have but 20 Acres, and serve in Person.

III. Every two Tenants appearing compleat in Arms for the Landlord, shall be deemed Equavalent to three common Freemen or Servants, serving either on Horse or Foot.

IV. Every person possest of 100 Acres of Land or more, shall furnish and set forth one able Horse man'd and compleatly arm'd; and for 160 Acres, two such Horses and Men: and so one Horse and Man for every 100 Acres he hath more. With Pistols, Carbine, *&c.* and a pair of Shove Boots, or Spring Boots, *&c.* Each such Horse set forth with compleat Arms and Furniture, shall excuse two Foot Soldiers.

V. Every Freeholder or Freeman, if he have a sufficient Horse of his own (though he be not possest of 100 Acres) shall provide himself with Arms and Ammunition, and attend his Officers on Exercising days, and shall therefore be excused two Foot Soldiers.

VI. All persons appointed by this Act to serve on Foot, shall appear compleat in Arms, at such times and places as shall be appointed by their respective Officers, with four Charges of Powder and Ball, and all Defaulters herein (without a reasonable excuse) shall forfeit, for every Default of appearance, 5 *s. Sterl.* for every day *per* Man, or every night if the Service be for the night only. And all persons appearing, but not compleatly

armed

armed and cloathed according to this Act, shall forfeit, for every Musquet wanting 2 *s*, Sword or Bayonet 2 *s*. Cartridge-Box or Bandileers 2 *s*. Red Coat 2 *s*. 6 *d*. For want of four Charges of Powder and Ball 1 *s*. &c.

VII. The respective Colonels in this Island, shall appoint fit persons of their Commissioned Officers, to inspect each Mans Stores within their several Divisions, who shall return the Names of the Offenders against this Act, to the Colonels of every respective Regiment, under the Penalty of 30 *s*. And the said Colonels shall make due Report of all such Returns to the President and Council, or Commander in Chief, every two months, under pain of 50 *s*. to be levyed by Warrant, under the Hand and Seal of the President, or Commander in Chief, directed to the Provost Marshal.

VIII. Whosoever shall neglect to appear with Horse or Horses, in proportion to his Land, man'd and equipt as by this Act is enjoyn'd, at such time and place as his respective Officer shall appoint (without a reasonable excuse) shall forfeit for not appearance 10 *s*. for every day, or for every night, if the Service be for the night only, for appearing not compleatly armed for want of Pistols and Holsters 5 *s*, Flask or Cartridge-box 2 *s*, Sword 2 *s*, Carbine, Belt and Swivel 5 *s*, Boots and Spurs 5 *s*, for every pound of Powder he should have in Store by him 5 *s*. 6 *d*, and every two pound of Bullets 1 *s*. to be levy'd by the Marshal of the respective Regiment, *&c*. All such Attachments to be fully executed within ten weeks, next after the Default of the Delinquent, otherwise void. The Overplus, if any be, to be return'd to the Party from whom taken within ten days from taking the Distress, or the Marshal to forfeit double the value of the Overplus.

IX. The respective Colonels shall Sign Execution against Defaulters, and issue Warrants of Appraisement for two Freeholders, to appraise the Goods and Effects, and give the same under their Hands upon Oath; which Oath the Marshal is authorized to administer.

X. If the Marshal or his Deputy shall not discover any Goods, or Estate of the Delinquents; whereupon to levy satisfaction for the Forfeitures aforesaid, then by Warrants from the said respective Collonel, he shall apprehend the Body of the said Delinquent, and him bring before the said Colonel, who for Non-payment, shall send the

Delinquent with a *Mittimus* to the Provoſt Marſhal of the Iſland, there to remain in ſafe Cuſtody, till delivered by due Courſe of Law.

XI. If a Troop or Company be ſummoned unto Arms, and no Commiſſioned Officer be there preſent to perform the Duty, no Default of any other perſon ſhall be for that time Finable, but the Commiſſion Officers ſhall be in ſuch caſe Fined, a Captain of Horſe 20 *s*, Lieunant 15 *s*, Cornet 10 *s*, Quarter Maſter 7 *s.* 6 *d.* The like Sums for the Officers of Foot, upon due Proof before the Colonel.

None ſhall be return'd, or levyed upon, for not ſending his Complement of Men, who ſends all the Servants and Tenants he hath, or can procure on the Terms in this Act.

XIII. None ſhall be obliged to give more than 9 *l. Sterl. per annum*, to any Servant during the preſent War with *France*, and if a Servant prove unfit for Service, and not deſerve the Wages aforeſaid, the Maſter, having proved the ſame before the next Juſtice of Peace, and having his Certificate thereof, may lawfully diſmiſs the ſaid Servant, and not be deemed a Delinquent according to the Purport of this Act.

XIV. Where any Servant or other Soldier, who ſerves for another, makes any of the aforeſaid Defaults, which are not chargeable upon the Perſon for whom he ſerves, the Colonel may give ſuch Offender Corporal Puniſhment (if the Fine be not paid at the Exerciſing day) by lying Neck and Heels, running the Gauntlet, or riding the wooden Horſe, not exceeding one hour.

XV. Perſons ſummon'd as Appraiſers, and not appearing, or refuſing to make Appraiſement as aforeſaid, ſhall forfeit 30 *s*, to be levyed by Warrant from the Colonel directed to the Marſhal or his Deputy. All which Fines the Marſhal of Horſe or Foot may retain to their own uſe.

XVI. The Colonel of the Life Guard, ſhall have like Power to iſſue Warrants to his Marſhal, in the ſame manner as Colonels of every reſpective Regiment have.

XVII. All perſons that are of the Council, and all Field-Officers in Commiſſion, ſhall be allowed and abated out of their Proportion enjoyned by this Act, two Horſes each, whereof his own riding Horſe to be one. All Gentlemen of the Aſſembly, all that have been of the

the Council, all that are or have been Chief Judges, and all that have born Commission as Field Officers, and resident within this Island, shall be allowed out of their proportion one Horse. But none are to take this privilege in more than one Capacity only.

XVIII. All members of the Council are exempted, from all military Duty in their own persons, unless such as bear a military Command.

XIX. Every Gentleman of the Assembly, all Chief Judges and their Assistants, all that have been Members of the Council, all that have served, as Field Officers but are out of Commission, all Justices of Peace are exempted, all military Duty in their own persons, except in case of Alarms, but are then enjoyned to appear on Horseback so armed, as by this Act is required of others, under like Penalties for Non-appearance and other Deficiencies, as others are subject to. And during this present War Justices of the Peace, and the Assistants of the several Courts, shall appear armed in the respective Troops of the Division wherein they live, on all days of Exercise, but shall not be liable to Patrols at no other times, than upon Alarms or actual Invasion.

XX. No other person of what Account soever (except as before excepted) shall be freed, or exempted from personally riding his own Horse, or serving on Foot when legally required for strengthening the Militia, in the defence and preservation of this Island.

XXI. All Apprentices of Merchants, Artificers and others, that are deemed fit for his Majesty's Service shall be forthwith Listed in the Company, in whose Division they reside. Provided such Apprentices or Artificers, shall be by the Colonel of the Regiment Billited proportionably upon persons that want Servants for the number of their Acres, and the persons for whom they shall serve, shall furnish them with Accoutrements, Arms, and Ammunition.

XXII. Every person Inlisted to serve, either on Horseback or on Foot, and appearing on Summons, if he shall refuse or neglect to perform such military Duty as shall be required from him, or shall depart his Colours, or his Guard with his Arms without Leave, he shall be Fined 20 s, and in case he do not pay the same, at or before the next day of Exercise, he shall receive moderate Corporal Punishment, by lying Neck and

Heels, running the Gaunlet, or riding the wooden Horſe, not exceeding one hour.

XXIII. Perſons inliſted and removing their abode, ſhall forthwith cauſe themſelves to be inliſted in the Company or Troop where they go to abide, and bringing a Certificate thereof to the laſt Captain, he ſhall upon the Receipt thereof, give them a Furloe for their Diſcharge. And whoever neglects his Duty herein, ſhall incur the Penalties for Non-appearance in the Company or Troop where he was firſt inliſted.

XXIV. Every poor Freeman, whether hired to any perſon or otherwiſe, ſhall duly appear in Arms in the Company wherein he is Liſted, and diligently ſerve for the ſpace ſix Months next following his Liſting, and if he hath not of his own, he ſhall be provided with Arms and Ammunition, by the perſon by whom he lives or works, and if he breaks, ſpoils or looſes ſuch Arms, he ſhall make ſatisfaction for the ſame to the Owner, either in Money or Goods, or by Service. And in caſe of Refuſal, he ſhall be committed to the Gaol, by the Colonel or Commander in Chief of the Regiment, there to remain till he conform.

XXV. Such as wilfully and obſtinately refuſe to appear themſelves, or ſend Men according to the proportion of their Land, ſhall forfeit for the firſt Offence 10 *s.* for each Horſe and Man in Arms he ought to ſend, for the ſecond Offence 20 *s*, and for the third Offence 30 *s*; and every perſon that ſhall not appear, or ſend to the Foot, ſhall forfeit for the firſt Offence 5 *s*, for the ſecond 10 *s*, and for the third 15 *s*.

XXVI He ſhall have Execution levyed upon him, for not appearing or ſending Horſe or Foot, as by this Act appointed, and notwithſtanding ſhall wilfully, and obſtinately continue not to ſend any, ſhall be deemed a Refractory perſon, and ſhall forfeit for the firſt, ſecond and third Offence, as above expreſt, and after the third Offence the ſaid Forfeiture to begin again, as for the firſt Offence, and ſo on to the third, until he do appear, or ſend his proportion of Horſe and Men. And the Colonel or Commander in Chief of the Regiment, ſhall iſſue Execution directed to the Marſhal.

XXVII. If any Soldier in time of Service or Exerciſe, ſhall ſtrike or threaten his Officer, ſhall begin, raiſe, or abett, any Mutiny or Diſturbance among his fellow Soldiers,

diers, he ſhall forfeit and pay 20 *l. Sterl.* to be levyed by the Marſhal, for the uſe of his Majeſty to the Repairs of Fortifications; or for Default of Payment in ten weeks, the Offender ſhall be moderately puniſhed by the Colonel, by running the Gauntlet, lying Neck and Heels, or riding the wooden Horſe at diſcretion.

XXVIII. Alarms in caſe of Invaſion, ſhall be given and ſet forwards, by a certain number of Ships to the Forts, or other Veſſels to the whole Iſland, or by firing Guns, beat of Drums, diſcharging three Muſquets diſtinctly, ringing of Bells, blowing Shells, ſending Meſſengers, hanging out white Cloaths on the Top fans of Windmills by day, and Lights by night, and ſo from one Mill to another, till it hath paſt through the whole Iſland, as the Preſident and Council ſhall think fit to appoint.

XXIX. The Preſident is deſired to place Guns upon *Leſly's-Hill*, *Ramſey's-Hill*, the Mount, *Brigg's-Hill*, for the ſpeedy carrying on of an Alarm. And if any perſon ſhall fail (after publication made) of ſetting forward the Alarm by the Signs to him appointed, he ſhall forfeit for every ſuch Offence ſix months Impriſonment. If the Alarm be to the Forts only, all perſons appointed for the Defence of the ſaid Forts, are immediately to repair to their Colours, and if the Alarm be to the whole Iſland, all perſons of what Degree or Quality ſoever, are to repair to the Colours, or Place of meeting appointed. Any perſon may upon ſight of ſeven Ships give an Alarm to the Towns, and of twelve Ships or more to the Country.

XXX. Every Man (not excuſed by this Act) perſonally in this Iſland, of the Age of 15 years, ſhall appear in Arms at his Poſt, as by this Act appointed upon Alarms, and whoſoever wilfully fails ſhall forfeit, every Footman 5 *l*, and ſo for every twenty four hours the like Sum till diſcharged, for every Horſeman 10 *l. Sterl.* to be levyed by the Colonels Warrant, and to be paid into the Hands of the Treaſurer of the Iſland, reſerving out of the ſame 10 *l. per Cent*, to the Marſhal.

XXXI. The Colonels or Commanders in Chief of every Regiment, ſhall within one month after an Alarm, give a true Liſt of all Executions they Sign'd for Defaults, to the Treaſurer, the better to enable him to Charge the Marſhals of the Regiment therewith, who are hereby required to pay the ſame into the Treaſury of

this Island, within ten weeks after the Date of this several Executions. And Defaulters may by Order of the Colonel, be brought by a Guard to the Post, where they ought to have appear'd, there to be employ'd as Pioneers, or otherwise at the discretion of the Colonel.

XXXII. All Commission Officers shall be excused of one Horse and Man, of those which he is to send according as appointed by this Act, to serve in the Troop to which he belongs, during the time of his being in Commission.

XXXIII. Masters and Servants, or Freemen serving for them, who are detained on Guard all night, shall send down such Provisions ready drest as are needful for them; in Default thereof the Officer shall supply them, and the Defaulter to forfeit, for every such Default 2 *s.* 6. *d.* besides Charges, for each Soldier every twenty four hours. The said Fines to be paid to the Officer who commanded the Guard, to reimburse him, and the Overplus, if any be, to be distributed among the other Soldiers there in Service.

XXXIV. Upon approach of an Enemy, the Colonel, or Commander in Chief of every Regiment, may press Horses, Cattel, Harness, and Drivers for the Field Guns, and Carts, Horses, and Cattel for any other Service, and also Boats, and *Negroes* for Pioneers, and Victuals in case of necessity; for all which the respective Owners shall receive recompence out of the publick Treasury.

XXXV. Every Servant that shall manfully behave himself in Fight against the Enemy, and produce a Certificate thereof from any Commission Officer, shall be free from all future Service towards his Master or Mistress, and whatsoever *Negro* shall so behave himself, and prove the same by Oath of any creditable Witness, shall receive yearly a Livery, Coat and Hat from the Publick, and white Servants allowance of Victuals from their Owner.

XXXVI. If a Servant or *Negro* shall be kill'd, lost, or disabled in the Defence of the Island, the Loss or Damage of such *Negro* or Servant, shall be paid for to the Owner, out of the publick Treasury. If any poor Freeman or Servant shall be disabled, he shall receive during his Life, or abode in the Island, 10 *l. Sterl.* yearly out of the publick Treasury; if he be a married Man, then he shall receive for the maintenance of himself and

Family

Family 15 *l.* yearly. If he loſe his Life in the Service, his Widow ſhall receive during her Widowhood 10 *l. Sterl.* yearly.

XXXVII. Every Inhabitant that is bound to find a Horſe or Horſes, ſhall with each Horſe ſend one able Man-ſlave (if he hath one) armed with a Bill and Launce, with a black Hat and red Jacket upon every Alarm of Ships. Alſo every perſon poſſeſt of 40 Acres of Land, ſhall in like manner ſend one able Man-ſlave upon Alarm of Shipping, to be under ſuch Diſcipline and Command, as the Governour or Commander in Chief ſhall direct. Defaulters herein ſhall forfeit, for each Slave he ſhall not ſend 50 *s. Sterl.* to the King.

XXXVIII. Whoſoever ſhall ſpread any falſe Alarm, not having juſt Ground or Warrant ſo to do, ſhall ſuffer ſuch Penalties, as the Governour and Council ſhall think fit to impoſe, not exceeding 500 *l.* Currant Money.

XXXIX. Perſons ſuppoſed to offend againſt this Act, may apply themſelves to the Colonel of the Regiment, who hath power to examine Witneſſes upon Oath, and give Redreſs according to the Merits of the Cauſe, except where otherwiſe appointed by this Act.

XL. Such as are unfit to bear Arms in their own Perſons, whether ſuperannuated or otherwiſe, and having no Land, yet if they be eſteemed to have a perſonal Eſtate of 200 *l. Sterl.* or *Negroes* of that value, every ſuch perſon ſhall find one Foot Soldier, and if he keepeth a Horſe, he ſhall find a Horſe manned and compleatly armed.

XLI. Head Overſeers of Plantations, to which belong more than ſix *Negro* Men, are excuſed from being inliſted or made lyable to ſerve.

XLII. All Loſſes of Servants in the Militia, *Negroes*, Slaves, Horſes, or Cattel, ſhall be allow'd and paid for to the proper Owner out of the publick Treaſury. And 30 *l. Sterl.* ſhall be eſteemed the value of each *Negro*, Man or Slave that ſhall be loſt in the publick Service.

XLIII. None ſhall be a Field Officer, or General Officer, unleſs he be known to have 100 Acres of Land of Inheritance at the leaſt within this Iſland, and no perſon ſhall be admitted a Captain, unleſs he have an Inheritance of Freehold of 40 Acres at leaſt. And no Field Officer, or Commiſſion Officer, ſhall demand or receive

any

any Pay or Reward for any Duty or Service, or for any Expence he hath been at, but that all ſuch ſhall bear their own Expence and Charges. Provided, ſuch Gentlemen whoſe Parents have conſiderable Eſtates in this Iſland may be Captain,Lieutenant,or Cornet,or Enſign of Horſe or Foot,and the reſpective Parent of ſuch Son ſhall be abated one Horſe out of his proportion, the Son living with his Parent, and ſerving at his, or her Charge. Provided alſo, this Act ſhall not diſable any perſon to be in Commiſſion, who are Gentlemen of conſiderable Eſtates in any Towns of this Iſland.

XLIV. The ſeveral Troops and Companies, ſhall meet one day in every Month in time of War, and one day in every two Months in time of Peace, to be Diſciplin'd, and no oftner, unleſs upon credible Advice of ſome intended Invaſion. Alſo the Preſident, and Council may command any Companies, or Troops to guard any Bay or Bays of this Iſland, if any Veſſel or Veſſels, under the number appointed for an Alarm, ſhall Land, or attempt to Land in any of the ſaid Bays, or be juſtly ſuſpected the King's Enemies; or for prevention of any inteſtine Commotion or Inſurrection. Provided, the ſaid Companies or Troops, ſhall not continue longer upon the Duty than 48 hours, unleſs by Advice and Conſent of Major part of the Council.

XLV. Provided, that for the Honour of the Commander in Chief for the time being, a Company may attend him to Church, and a ſufficient Guard at the time of the Grand Seſſions, or a convenient Part of the Militia may be raiſed for the Honourable reception of any Governour, and alſo upon any extraordinary and publick Occaſion, by and with the Advice, and Conſent of the Council. Provided alſo, that Horſe Patrols do Duty, as formerly, every *Saturday Night*, *Sunday*, and *Sunday-Night*, and other Holy-days as uſual.

XLVI. In whatſoever Diviſion the Manſion-houſe of any perſon ſhall ſtand, in that Diviſion himſelf, and all the Men and Horſes required of him by this Act, ſhall ſerve, and in no other.

XLVII. Men of inſufficient Abilities to maintain themſelves in Arms, ſhall by the Captain of each Company and Troop, be Billetted upon Landed men in the ſame Diviſion, which Landed men ſhall find them Horſes, Arms, Ammunition, and Proviſion, and pay 7 *d. ob. per*
day

day to each person so serving. And in case of refusal of such Payment, the Commander in Chief, or Captain aforesaid, shall levy upon the said Landed men, 5 *s.* for each Default, one half to the Marshal who makes the same, the other to the Party grieved.

XLVIII. The Clauses in this Act concerning the Incouragement of Freemen, Servants, and *Negroes* (*Sup. S.* 35, 36.) shall be published in each Parish Church, on the first *Sunday* in *June*, and every first *Sunday* in *December*; the Minister that neglects so to do, shall forfeit 50 *s.* to the use of the Poor of the Parish.

XLIX. If any Marshal shall in Distraining for any Fine, commit any Injury to the person Distrained, beyond the power by this Act to him given, and shall not leave a Certificate of the Goods distrained, the person grieved upon his Application to the Colonel, shall be redre , by Execution against the Marshal, to the next Constable. And if the Marshal appeareth to be greatly in fault, the Colonel shall commit him to Gaol without Bail, for one Month, and Fine him 5 *l. Sterl.* to the King, for the use of the Fortifications. If upon the Party's complaint to the Colonel, he give him no Redress, then the Party may commence his Action at common Law against the Marshal, whose complaint being made out to be just and true, the Jury shall give him treble Damages, and the Court double Costs. The Plaintiff to commence his Action within six Months after the Injury done, and if the Plantiff doth not make good his Action, double Costs shall be Taxt against him, for his unjust Vexation.

L. Two Field Pieces well mounted and fix'd, with all Necessaries, shall be provided at the publick Charge, for each Regiment of Foot.

LI. Articles of War, or Military Laws, made by the President and Council, or Commander in Chief of this Island, shall not commence till an Enemy sufficient to cause an Alarm to the whole Island, appear in sight, and shall cease as soon as the Enemy shall go out of sight. The said Laws to be duly publish'd, and a Copy hung up at every Court of Guard.

LII. Whosoever shall after eight a Clock at Night, Fire, or permit to be fired, any Gun small or great, shall forfeit 2 *s.* 6 *d.* (except it be in his own Defence, or in case of Alarm) If the party be insolent, the next Justice

of

of Peace ſhall bind the Offender, if a Chriſtian to the Quarter Seſſions, if a Slave, order him ſuch a corporal Puniſhment as the Offence deſerves.

LIII. Whoſoever ſhall refuſe, or neglect his Service on Patrols, being thereunto required by his Captain or Commander, ſhall forfeit 20 *s.* to be levyed by the Marſhal.

LIV. Perſons aggrieved by falſe and undue Returns, may have their Action at common Law, in the Precinct where the Officer, who made ſuch falſe Return reſides, the Action to be entred in thirty days after Execution levyed, and if the Officer ſhall be found guilty of ſuch falſe Return, the Jury ſhall give 5 *l. Sterl.* for Damages, and Court award the Plaintiff 3 *l. Sterl.* in Coſts, and no more. But if the Plaintiff doth not make good his Action, the Court ſhall Tax treble Coſts for the Officer.

LV. The Party whoſe Goods are attached by the Marſhal upon an Execution Signed by the Colonel, ſhall apply himſelf within ten days after to the Colonel, who is hereby required to order the Goods, to remain in the Delinquents hands, he giving Bond to the Marſhal in double the value of ſuch Execution, that he will bring the aforeſaid Action within one Month at fartheſt, and that if the Action ſhall not be found for the Plantiff, then the Complainant ſhall within five days return the Goods to the Marſhal, or pay the value, which if not performed, the Marſhal ſhall recover the whole Penalty of the ſaid Bond, with common Coſts.

LVI. All Acts heretofore made concerning the Militia of this Iſland, declared Null and repealed. *Paſt* 1697.

Miniſters.

I. *ACT* 20. Attachment ſhall iſſue for levying all Arrears of Salaries, or Stipends, aſſeſt for the uſe of each reſpective Miniſter in the Pariſh where he executes his Miniſterial Function, on the Eſtates and Goods of ſuch as owe the ſame.

II. A Levy ſhall be made and aſſeſt, by the Veſtry and Church-wardens of one pound of Sugar *per* Acre, on the Land of every Freeholder in the Pariſh, to be collected and paid into ſome convenient Store-houſe for the Miniſters uſe, and ſo continue yearly.

III. In

III. In regard the price of Sugars is lately fallen to a very low value, the Vestry and Church-wardens may impose a further Tax as to them shall seem convenient, out of which they may give or allow such additional Supplement to their Minister, as with the pound *per Ann.* may yield a comfortable Livelyhood and Incouragement.

IV. Every Minister in his respective Parish, shall keep a true Register of Christenings, Marriages, and Burials (the Church-wardens providing a Book for the same) and certifie the same into the Secretary's Office, in the Month of *March* yearly. And for failing herein, he shall forfeit 1000 *l.* of *Muscovado* Sugar for every such Default, half to the publick Treasury, and half to the Informer.

V. The Master of a House or Plantation, two Miles or more from his Parish Church, if any person Deceases in his House, and the Corps cannot conveniently be carried to the Parish Church-yard there to be Inter'd, shall give the Minister the Christian and Sirname of the party Deceased within one week, and pay him 3 *l.* of Sugar, or 6 *l.* for Registring the same, under Penalty of 500 *l.* of Sugar.

Money.

I. ACT 3. All Pieces of Eight, *Sevil*, *Mexico*, and Pillar Pieces, shall be valued, and pass Currant in Payment in this Island, at the rate of 5 *s. per* Piece, currant Money of *England*, and all half and quarter Pieces, and Ryals, and all sorts of *Spanish* Coyn, shall pass in like proportion.

II. Whosoever shall refuse to receive the aforesaid Coyn, in Payment at the rates aforesaid, shall upon Conviction before the next Justice of Peace, be bound to his Good Behaviour till the next General Sessions, and there answer for his Contempt by Indictment, or otherwise.

III. *Act* 129. Whosoever hath, or shall have any light Pieces of Eight, half Pieces, quarter Pieces, or single Ryals, consigned to him from *England*, or elsewhere less in weight, or of a baser Allay than usual, and shall offer to pay, or sell them to other Persons, he shall forfeit the said Coyn to the Publick, and suffer six Months imprisonment in the common Gaol.

IV, If

IV. If any ſuch perſon hath already paid, or diſpoſed of any ſuch Coyn, he ſhall, under the Penalty aforeſaid, receive the ſame back again, and return ſatisfaction for them.

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Negroes.

I. *ACT* 94. All *Negro* Slaves ſhall be held, taken, and adjudged to be Eſtate Real, and not Chattels, and ſhall deſcend to the Heirs, and Widow of any perſon dying Inteſtate, as Lands of Inheritance in Fee-ſimple.

II. Provided no perſon, Selling or alienating any of his *Negroes*, ſhall be obliged to cauſe ſuch Sale to be Enrolled, as is required in the Alienation of other real Eſtates.

III. This Act ſhall not extend to any Merchant or Factor bringing *Negro* Slaves to this Iſland, or having the Conſignment of ſuch, but that their Executors, Adminiſtrators or Aſſigns, may hold, poſſeſs, and enjoy, ſuch *Negro* Slaves till Sale ſhall be made of them.

IV. *Act* 178. Declared, that by the true meaning of the foregoing Act, *Negroes* may be ſued for, and recovered by Action perſonal, as before the making of that Act. Alſo *Negroes* continue Chattels for the payment of Debts. To all other Intents and Purpoſes they ſhall be deemed real Eſtates.

V. *Act* 329. No Maſter or Owner of *Negroes*, or other Slaves, ſhall give them Leave on *Sundays*, or any other time to go out of their Plantations, except ſuch as uſually wait upon them, and wear a Livery, and no others except with a Ticket under the Maſters hand, ſpecifying

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the time allowed, *&c.* upon Penalty of forfeiting for every ſuch permiſſion 2 *s.* 6 *d.* half to the Publick, and half to the Informer. And if any Maſter of a Plantation, *&c.* finds any *Negro* or Slave on his Plantation without a Ticket or Buſineſs from his Maſter, and doth not puniſh him with moderate whipping, he ſhall forfeit 10 *s.*

VI. Any Perſon may apprehend a *Negro* or Slave that ſhall be found out of his Maſters Plantation at any time, eſpecially Saturday-nights, Sundays, and Holy-days, not being on their Maſter's Buſineſs, or having a Ticket, or not having a White man with them (except as before) and the ſaid *Negro* or Slave correct with moderate whipping; and giving notice to the Maſter, *&c.* detain the ſaid *Negro* or Slave till the ſaid Maſter, *&c.* pay the ſaid Perſon that took him up 2 *s.* 6 *d.*

VII. If any ſuch *Negroes* or Slaves be armed with Clubs, Wooden-ſwords, or other miſchievous Weapons, and found out of their Maſter's Plantations, though with a Letter or Ticket, they may be taken up, diſarmed and whipped, and the Party that doth it ſhall receive the ſame Reward as aforeſaid.

VIII. Whatſoever Maſter, *&c.* ſhall ſuffer his *Negro* or Slave at any time to beat Drums, blow Horns, or uſe any other loud Inſtruments, or ſhall not cauſe his *Negro*-Houſes once a Week to be ſearch'd, and if any ſuch things be there found, to be burnt, or ſhall ſuffer any publick Meetings or Feaſtings of ſtrange *Negroes* or other Slaves in his Plantation, he ſhall forfeit 40 *s.* Sterling. The Information or other Suit for the ſame to be within one Month.

IX. Every Overſeer of a Family, ſhall cauſe all his *Negro* Houſes to be ſearched once every 14 days, for Run-away-ſlaves, Clubs, Wooden-ſwords, and other miſchievous Weapons, and alſo for Cloaths, and other Goods not honeſtly come by, and what they ſuſpect to be ſtoln they ſhall ſeize, and give notice thereof to the Clerk of the Pariſh within ſix days, who ſhall ſet up a ſhort note of the ſame on the Poſts of the Church-door, whereby the Loſer declaring the Marks and Deſcription, may have the Goods again, under penalty of 20 *s.* for neglect in any of the particulars aforeſaid.

X. Perſons ſuſpected to trade with Slaves for ſtolen Goods, ſhall enter into Recognizance before two Juſtices of

of Peace, not to trade with any Slaves contrary to the Laws of this Iſland, and any ſuch Perſon being afterwards ſuſpected of having Goods unlawfully come by, he ſhall be obliged to make reaſonable Proof at the Quarter-Seſſions how he came by the ſame, or his Recognizance ſhall be forfeited.

XI. If any *Negro* or Slave ſtrike or offer any Violence to a Chriſtian, he or ſhe ſhall for the firſt Offence be ſeverely whipt by the Conſtable, by Order of the next Juſtice of Peace, for the ſecond Offence be ſeverely whipt, his Noſe ſlit, and be burned in the Face with a hot Iron, and for the third Offence receive ſuch greater Puniſhment as the Governour and Council ſhall inflict. Provided ſuch ſtriking be not in the lawful Defence of his Maſters or Owners, their Family, or Goods.

XII. All Slaves ſhall have Cloaths once every Year, *viz.* Drawers and Caps for Men, and Petty-coats and Caps for Women, upon pain of forfeiting 5 *s.* for every Slave not cloathed as aforeſaid. One third part to the Informer, the other two to the Poor of the Pariſh.

XIII. Such as take up any Run-away *Negro*, or Slave, not knowing the Owner, and ſhall bring him to the Provoſt Marſhal or his Deputy, ſhall receive 10 *s.* Sterling from the Treaſurer; and in caſe he ſhall refuſe to make the ſaid Payment, and Oath thereof made before a Juſtice of Peace, the Value ſhall be immediately levied out of the Goods of the ſaid Treaſurer, and delivered to the Party.

XIV. The Provoſt Marſhal ſhall keep in the Cage the Body of ſuch Run-away, till the Owner pay to the Treaſurer 11 *s.* Sterl. and to the Provoſt Marſhal 4 *d.* for every 24 hours ſuch Run-away-ſlave hath been in his Cuſtody. And the Turn-key ſhall have 6 *d.* for every *Negro* delivered. The Provoſt Marſhal to furniſh the Slave with ſufficient Food and Drink.

XV. If any ſuch Slave die for want of Food, the Provoſt Marſhal ſhall be reſponſible to the Owner: If the ſaid Marſhal ſuffer any Slave to eſcape, he ſhall pay to the Treaſurer 11 *s.* and make ſatisfaction to the Owner, and if the ſaid Marſhal ſuffer any Slave to be otherwiſe employed than in the Cage, before due deliverance, he ſhall forfeit to the Owner 5 *l.* Sterl.

XVI. Such as ſhall apprehend and bring any Run-away-ſlave to St. *Michael's* Town, unto the Treaſurer,

or

or to the Cage, ſhall deliver upon Oath an Account of his Name, and when and where he apprehended ſuch fugitive Slave, and that he knew of no Ticket the Slave had, nor of his Owner. And the Keeper of the Cage at the Delivery of ſuch Slaves ſhall take a Receipt of the Perſon to whom delivered, with a Deſcription of the Slave delivered.

XVII. Whoſoever ſhall tempt or perſwade any *Negro* or Slave to leave his Service, with intent to carry him away, and be thereof convicted, he ſhall be by the two next Juſtices of Peace (one *Quor.*) adjudged to pay to the Maſter of the ſaid *Negro* or Slave, 25 *l.* Sterl. And if the party ſhall not have Lands, Goods, or Chattels to the Value, then ſhall he be adjudged to ſerve the Party injured for five Years, and delivered over to him, of which a Record ſhall be made. But if any *Negroes* or Slaves ſo attempted ſhall be actually conveyed away, or ſent off the Iſland, the Offender if apprehended and convicted, ſhall be condemned to pay the Owner three times the Value of ſuch Slaves, and Execution for the ſame from the ſaid two Juſtices ſhall iſſue accordingly, and if the Offender hath no Eſtate, he ſhall be ordered to ſerve as aforeſaid.

XVIII. When any heinous Crimes, as Murders Burglaries, Robberies, Rapes, Burning of Houſes or Canes, Stealing, wilfully Killing, and maiming of Cattel, *&c.* ſhall be committed, or attempted to be committed, by any *Negroes*, Slave or Slaves, the Criminals being apprehended and brought before two Juſtices of Peace, they ſhall by their Precept call to them three able, good, and legal Free-holders of the Neighbourhood where the Crime was committed, and theſe five Perſons ſhall hear and examine the Evidence, and if upon Proof, or violent Circumſtance, they ſhall find the *Negro* or Slave guilty (the ſaid Free-holders being ſworn) they ſhall give ſentence of Death, and forthwith by their Warrant cauſe Execution to be done, by ſome *Negro* preſſed for that purpoſe.

XIX. If any Free-holder refuſe upon Summons to appear before the Juſtice, or to join with them, without ſufficient Cauſe, he ſhall be fined 50 *s.* forthwith to be levied by the next Conſtable.

XX. If any Perſon ſhall ſend off his *Negro* that hath killed another *Negro*, he ſhall pay unto the Maſter the Value of the *Negro* killed.

XXI. If any *Negro* or Slave steal or destroy any Goods or Chattels, Canes, or green Corn, of any other Person than his Masters or Mistresses, under the Value of 12*d.* he shall be brought before a Justice of Peace, and if he appears to be guilty by Proof or probable Circumstances, he shall be publickly and severely whipped, not exceeding 40 Lashes, and the Justice shall cause the Owner of the *Negro* or Slave to make satisfaction to the Party injured. If the same Slave be a second time found guilty of the like Crime he shall have his Nose slit, and be branded in the Fore-head with a hot Iron, and the Owner shall make satisfaction to the Party injured double the Value; and if such *Negro* or Slave be afterwards accused of any the foresaid Offences, he shall be tried in such a manner for Murther, Burglary, *&c.* and being found guilty a third time, he shall be adjudged to suffer Death, or other Punishments as the Justices please. And in case the Justices and Free-holders neglect or refuse to perform the Duties by this Act required of them, they shall severally forfeit 25 *l.* Sterl.

XXII. If any *Negroes* or Slaves shall raise or make any Mutiny or Rebellion, or conspire so to do, a Colonel and four Field-Officers (appointed by the Governour) shall meet in Council and proceed against them by Marshal Law, and punish them by Death or other Pains as they think fit.

XXIII. In all Cases where any *Negro* or Slave shall suffer death, those who condemn him shall enquire of his Value, and also the Damage of the Party injured, and certifie the same (not exceeding 25 *l.* for any one *Negro*) to the Treasurer, who shall pay out of the Value the Damages to the Party injured, and the Over plus to the Owner, and if no Party injured, then the whole to the Owner of such *Negro* or Slave, out of the Treasury.

XXIV. The Condemners of such *Negro* or Slave shall also enquire what allowance of Provision and other necessaries, such *Negro* had from his Owner, and if it shall appear that such *Negro* or Slave might have been induced to the Offences committed for want of reasonable and accustomed Provision, the Owner shall not be paid any thing out of his Value as aforesaid.

XXV. If the Treasurer shall not make satisfaction, and Payment to the Owner, having the Governour's Warrant for the same, the Party injured may have his

Action

Action of Debt against the Treasurer for the same, in the Court of St. *Michaels*, &c.

XXVI. No Person of the *Hebrew* Nation residing in any Port-Town of this Island, shall keep or imploy more than one *Negro* or Slave, Man or Boy, except such as are Denizon'd by the King's Letters Patent, who are to keep no more than for their own Use, under pain of forfeiting every *Negro*, Man or Boy, more than allowed, one Moiety of the Value to the King, the other to the Informer.

XXVII. Any Justice of Peace, Constable, or Captain, that shall have notice of the Residence, or Hiding-place, of any Run-away *Negroes*, or other fugitive Slaves, may raise and arm Men, not exceeding 20, and apprehend them dead or alive, and for every *Negro* or Slave run away above six Months, taken alive, they shall receive 50 *s.* Sterl. if run away above 12 Months 5 *l.* from the Master of the said *Negro*, &c. if killed in taking, they shall receive 50 *s.* from the Publick.

XXVIII. If any *Negro* or Slave under Punishment by his Master or his Order, for any Crime or Misdemeanour towards his said Master, shall unfortunately suffer in Life or Member, no Person shall be subject to any Fine therefore. But if the Master shall of Wantonness, or Cruelty, wilfully kill his own *Negro* or Slave, he shall pay to the Publick Treasury 15 *l.* Sterl. if he kill another Mans, he shall pay double the Value to the Owner, and 25 *l.* Sterl. to the Pub. Treasury, and be bound to good Behaviour during the Governour's Pleasure. He that kills another's Slave by Accident, is only liable to the Owner's Action at Law.

XXIX. Any Person killing a *Negro* or Slave by Night out of the Road or common Path, and attempting to steal his Goods, he shall not be accountable for it.

XXX. All Forfeitures arising by this Act shall be to the King for the Use of this Island, according to such proportion as is appointed. All above 5 *l.* Sterl. shall be recovered by Bill, Plaint, *&c.* in a Court of Record. All of 5 *l.* or under, by Execution from any Justice of Peace, as in the Case of Servant's Wages. The Suits to be commenced within 30 days.

XXXI. This Act shall be read in all Parish-Churches the first Sunday in *February*, and first Sunday in *August*, yearly.

XXXII. All former Acts relating to the Governing of *Negroes*, repeal'd. *Past* 1688.

XXXIII. *Act* 378. Whatſoever *Negro* or Slave ſhall hear another *Negro* or Slave ſpeak any words tending to Mutiny, or Rebellion, or that ſhall have or prepare any Gun-powder, Ball, Sword, or Warlike Inſtrument, than what are allowed for watching, and ſhall diſcover the ſame to any Juſtice of Peace, the ſaid Juſtice, and one other next Juſtice, ſhall cauſe the Slave accuſed to be apprehended, and if they find the Accuſation juſt, the ſaid Slave ſhall be tried by Field-Officers as above directed (*S.* 22.) and if he be found guilty and condemned to death, the Field-Officers ſhall appraiſe him as appointed (*Sup.* S. 23.) and ſhall alſo appraiſe the *Negro*-Accuſer at his or her full Value, which Summ ſhall be paid by the Treaſurer to the Owner of ſuch *Negro* or Slave accuſer, who ſhall be thereupon declared free, and freely tranſported to ſuch Place as he ſhall deſire: But if he had rather ſtay in his Maſter's Family, and not be free, he ſhall receive from the Treaſurer 40 *s.* to his own Uſe.

XXXIV. A *Negro* or Slave not making good his Accuſation ſhall have ſuch Puniſhment, not extending to Life or Member, as the Juſtices or Field-Officers ſhall think fit.

XXXV. *Act* 379. If any *Negro* or other Slave, having lived in this Iſland one whole Year, ſhall run away and continue abſent from his or her Service the ſpace of 30 days, ſuch *Negro* or Slave ſhall ſuffer death for the ſame, being tried and valued as above directed. (*S.* 18. 23.)

XXXVI. *Act* 382. Whoſoever ſhall ſell any Rum or other ſtrong Liquors to any *Negro* or Slave, or to their Uſe, and being convicted by the Oath of one Chriſtian before the next Juſtice of Peace, he ſhall forfeit 40 *s.* half to the Informer, and half to the Poor of the Pariſh.

XXXVII. If any white Perſon ſhall buy any Rum or other ſtrong Liquor for any *Negro* or Slave, he ſhall forfeit 20 *s.* for every ſuch Offence, or receive 10 Laſhes on the bare Back, by order of the next Juſtice. The Whipper to receive 15 *d.* to be paid by the Church-Warden.

O.

Officers.

I. *ACT* 2. No Treasurer, or Marshal, either Provost or Particular, shall be admitted or capable to execute the Office, without having first put in Security to the Secretary for the time being, for his honest and just Demeaner in the said Office.

II. *Act* 3. None shall be received into the Office of a Clerk of a County-Court, till sworn before the Governour for his true and faithful Performance of his Duty, and that he shall make true Entries, and not rase, deface or imbezel any Action, Order or Record, *&c.* without Direction and Assent of the Judge. And further, until the said Clerk hath given Security to the Judge of the Court, to satisfie any Party injured by his Behaviour such Damage as he shall thereby suffer.

III. This Act shall not privilege any Judge, Justice of Peace, or other Person, to add, or alter, rase or imbezel any Record, kept in any Court of this Island, upon the Penalty of the Laws of *England*.

IV. *Act* 69. The chief Judge of any Court of Common-Pleas within this Island, shall have free Liberty to choose, constitute and appoint any sufficient Persons whom he thinks meet to be, and officiate as Clerk and Marshal of the said Court.

V. If any of the said Clerks and Marshals shall take any greater Fees than in this Act express'd and allowed, (*for which see the Act at large*) and that proved before the Court, he shall forfeit his Place, and be fined not exceeding 1000 *l.* of Sugar for each Offence.

VI. The Judges shall have for every Warrant 6 *d.* or 4 *l.* of Sugar; and for every Execution 2 *s.* 6 *d.* or 20 *l.* of Sugar.

Out-Cries: Vid. **Market**.

P.

Papists.

I. *ACT* 254. All Persons inhabiting within this Island, that shall bear any Office Civil or Military, or shall receive any Pay, Sallary, Fee or Wages, by reason of any Patent or Grant, as in the Act of Parliament in *England* (25 *Car.* 2. ch. 2.) is expressed, shall personally appear in the Court of Chancery, or in any one of the Courts of Common-Pleas in this Island, and there in publick and open Court before the 10th of *April* next, take the Oaths of Supremacy and Allegiance, and subscribe the Declaration following. I, A. B. *do declare that I do believe that there is not any Transubstantiation in the Sacrament of the Lord's supper, or in the Elements of Bread and Wine, at or after the Consecration thereof by any Person whatsoever.*

II. Every Person admitted into any Office or Trust before mentioned, shall within two Months after such Admission, do as above express'd.

III. Such as neglect so to do shall incur the same Penalties which are appointed by the Statute above mentioned, to be recovered in the Court of Common-Pleas where the Offender liveth.

IV. Upon due Tender of any Person to take the said Oaths, and Declaration in the respective Courts aforesaid, the said Courts are required and enjoined to administer the same. (*Past* 19 Feb. 1678.)

Parishes.

I. *Act* 295. Where any Part of the Line between Parish and Parish is obscure and doubtful, the Church-Wardens of either Parish applying themselves to the Governour

vernour, he ſhall grant an Order to the two next Juſtices of Peace, having no concern in either Pariſh, to cauſe ſo much of the Line as is doubtful to be run out by ſome able Surveyor, and the ſaid Juſtices ſhall cauſe the Church-wardens of the ſaid Pariſhes to ſee ſuch Line laid out, and ſummon all ſuch Evidences as are requiſite for clearing upon Oath any doubts concerning the ſaid Line.

II. The Charges to be born by both Pariſhes, in ſuch Proportion as the ſaid Juſtices ſhall appoint.

III. If any Witneſs fails to appear upon ſummons, ſo that the Controverſie cannot be decided, another Meeting ſhall be appointed at the Charge of the Witneſs ſo failing.

IV. Where by virtue of the Line ſo run as aforeſaid, either Pariſh obtains an Increaſe of Land which it had not before, ſuch Land ſhall be obliged for the future to pay all Parochial Taxes and Duties in that Pariſh it becomes a Member of, and not elſe-where.

V. The Church-wardens and Veſtries of the ſeveral Pariſhes in this Iſland ſhall make with all convenient ſpeed, a good Wall, Pale, or other decent and ſtrong Fence about the Church-yards belonging to each Pariſh, with good Gates or Paſſages into the ſame. And lay ſuch Levies for that purpoſe as ſhall be needful.

Pious Uſe.

I. *Act* 240. Mr. *William Trowel* of the Pariſh of *Chriſt-Church*, Planter, having by Deed indented dated 10 *April* 1675. Settled ſix Acres of Land, and 30 Perches, with the Appurtenances in the ſaid Pariſh, together with one *Negro*-man, and one *Negro*-woman, upon *N. K.* and *R. S.* Eſquires, the preſent Repreſentatives of the ſaid Pariſh of *Chriſt-Church*, and their Succeſſors, Repreſentatives of the ſaid Pariſh for ever, for the Support and Maintenance of five poor Engliſh men of the ſaid Pariſh, *&c.*

II. Enacted, that the ſaid Deed is full and effectual for the purpoſes thereby intended, and ſhall be ſo judged, deemed, taken, and reputed.

Planters.

Act 48. All Planters possess'd of 20 Acres of Land or under, that shall sell any sort of Provisions of the Produce of this Island, shall have Power to prosecute any Person for any Debt accruing by such Sale, before any Justice of Peace within the Parish or Precinct, and recover the same in such manner as Servants and Labourers are impowred to recover.

Prisoners.

I. *Act* 44. All such Persons who are in Prison, and others that have no other way to satisfie their Creditors, shall if they will thereunto submit, be ordered by the Judge and Assistants of the Precincts where they live, to serve such of their Creditors that will give the greatest Wages *per* Month, till the Judgment against them, or Debts by them owing be fully satisfied.

II. Provided, the said Debts exceed not 2000 *l.* of Sugar, and that there be no fraudulent Contracts between the Debtor and Creditor.

Provost Marshal.

Act 65. It shall be in the Governour's Power to constitute and appoint any sufficient Person whom he shall judge meet, to be Provost Marshal of this Island, taking good Security for the just and honest Discharge of the Place.

Pyracy.

Act 306. Treason, Pyracy, &c. committed on the Seas, or in any Creek, Haven or Bay, in or about this Island, shall be enquired, heard, and determined in this Island, in such form and manner as if committed on the Land, by the King's Commission impowring one chief Judge, and five other substantial Persons, to hear and determine the

the ſaid Offences, after the common Courſe of the Laws of *England*, and the Stat. 28. *H*. 8. ch. 15. And ſuch as ſhall be ſo convicted ſhall ſuffer Death, Loſs of Lands, Goods, and Chattels, as if the ſaid Crimes and Offences had been done on Land.

Q.

Quakers.

I. *A*CT 198. If any *Negro* ſhall be found with the People called Quakers, at any of their Meetings, as hearer of their Preachings, ſuch *Negro* ſhall be forfeited, one half to him that ſhall ſeize or ſue for him, (if he belongs to any Quaker) the other half to the Publick.

II. The Action ſhall be brought within three Months, upon this Statute, againſt the Owner, or ſuppoſed Owner of the ſaid *Negro*. And upon all Judgments grounded upon this Statute, Execution to iſſue immediately.

III. If ſuch *Negro* doth not belong to any of the Perſons preſent at the ſaid Meeting, then the Action may be brought againſt any Perſon preſent at the ſaid Meeting, at the Election of the Informer, for the Summ of 10 *l.* Sterl. for every *Negro* ſo preſent as aforeſaid, which ſhall be recovered and divided as before expreſs'd.

IV. None ſhall teach School unleſs ſuch Perſons firſt take the Oaths of Supremacy and Allegiance, before ſome Juſtice of Peace of the Pariſh where he lives, or have ſpecial Licence from the Governour. He who does otherwiſe ſhall ſuffer three Months Impriſonment, and ſhall forfeit 3000 *l.* of Muſcovado Sugar, half to the Informer, and half to the Publick.

V. No

V. No Perſon that hath not been an Inhabitant of this Iſland for the Space of 12 Months together, ſhall diſcourſe or preach at the Quaker's Meeting, upon Penalty of ſix Months Impriſonment, and forfeiting 10000 *l.* of Muſcovado Sugar, half to him that ſhall ſue for the ſame, and half to the Publick.

VI. All Actions upon this Statute ſhall be brought within ſix Months after the Offence.

VII. *Act* 429. Every Quaker who ſhall be required upon any lawful Occaſion to take an Oath, ſhall inſtead of the uſual Form, be permitted to make his or her ſolemn Affirmation, or Declaration, in theſe words, *I, A. B. do declare in the Preſence of Almighty God, the Witneſs of the Truth of what I ſay*; which ſaid ſolemn Affirmation ſhall be of the ſame Power, and Effect, as if ſuch Quaker had taken an Oath in the uſual Form.

VIII. If ſuch Quaker making ſuch ſolemn Affirmation, ſhall be lawfully convicted, falſly and corruptly to have affirmed or declared any matter or thing, he ſhall incur the ſame Penalties and Forfeitures as by the Laws of *England* are enacted againſt Perſons convicted of wilful Perjury.

IX. No Quaker ſhall by this Act be qualified to give Evidence in any criminal Cauſe, to ſerve on any Jury, or bear any Office or Place of Profit in the Government.

X. This Act to continue for the Space of ſeven Years, and no longer. (*Paſt* 1696.)

R.

Rebels.

I. *A*CT 355. An Act paſſed here 1635. concerning the governing and retaining of Rebels convict, tranſported hither from *Europe*, repealed.

II. Pro-

II. Provided, all Perſons who ſhall have benefit and freedom by this Act, ſhall not receive the Reward, as other Servants at the Expiration of their time uſually receive, and ſhall be liable and obliged to ſerve in the Militia.

III. No Perſons receiving benefit by this Act ſhall attempt to go off this Iſland without ſpecial leave. The Secretary of this Iſland is therefore not to grant a Ticket to any Perſon whatſoever without a Certificate from a Juſtice of Peace, that he is not one of thoſe that by the Law repealed were called Rebels convict. And if any ſuch ſhall attempt to go off without leave, he ſhall incur the like Penalties as by an Act *for the governing of Servants* (*Act* 21.) is appointed (*vid. inf. Servants*, S. 30.) Which Penalty of their Servitude ſhall be one third to the Proſecutor, and two thirds to the Publick.

Records.

Act 5. The Secretary ſhall draw an Exact Liſt of the ſeveral Books of this Iſland, that the ſaid Records may be tranſcribed with all convenient Speed, and kept by ſome able Man for the Preſervation thereof: And what Records ſhall hereafter be made, ſhall be ſent by the Secretary to the ſaid Officer.

Religion. Veſtries, &c.

I. The Book of Common-Prayer and Adminiſtration of the Sacraments, *&c.* according to the Uſe of the Church of *England*, ſhall be ſolemnly read by the Miniſter or Reader in every Church in this Province.

II. All Congregations and Places for the Publick Worſhip according to the Uſage of the Church of *England*, for the Maintenance of whoſe Miniſters therein officiating any certain Income or Revenue is or ſhall be eſtabliſhed, ſhall be deemed ſettled Churches.

III. An Aſſeſment of 40 *l.* of Tobacco *per* Poll, ſhall be yearly levied upon every taxable Perſon in the reſpective Pariſhes, and paid to the Miniſter of each Pariſh, having no other Benefice to officiate in, preſented or appointed by the Governour or Commander in chief.

IV. Every

IV. Every ſuch Miniſter ſhall appoint and keep a Clerk of ſuch Pariſh-Church, and pay him 1000 *l.* of Tobacco yearly, out of the ſaid 40 *l. per* Poll.

V. No Miniſter, Prieſt, or Magiſtrate, ſhall join in Marriage any Perſons contrary to the Table of Marriages under the Penalty of 5000 of Tobacco. Nor ſhall any Perſon forbidden by the ſaid Table preſume to be married under the like Penalty. The ſaid Forfeitures to be to the King to the Uſes herein after mentioned.

VI. In every Pariſh where a Miniſter ſhall reſide, no Juſtice or Lay-man ſhall join any Perſon in Marriage, under the Penalty of 5000 *l.* of Tobacco to the King, as aforeſaid.

VII. Every Miniſter ſhall receive of every Perſon or Perſons by him married 5 *s.* Sterl. and no more. Provided ſuch Perſon come to be married at the Church at the Time of Divine Service.

VIII. The Sheriff of each County ſhall collect and gather the ſaid Aſſeſment of 40 *l. per* Poll in each Pariſh in his County, in the ſame manner as the County-levies are collected, and pay the ſame to the Miniſter of the reſpective Pariſh.

IX. Select Veſtries ſhall be in every Pariſh. Of which Veſtry-men, the Number ſhall be ſix at leaſt, and upon the Death, Reſignation, or other Diſcharge of any of them, the remaining part of ſuch Veſtries ſhall with convenient Speed ſummon a general Meeting of all the Free-holders within the Pariſh that pay to the publick Charges of the ſaid Pariſh, who ſhall by Majority of Votes elect one or more Free-holders of the reſpective Pariſh to ſupply ſuch Vacancies. And the Perſon or Perſons choſen ſhall take the Oaths appointed by Act of Parliament inſtead of the Oaths of Allegiance and Supremacy, and the Oath *juſtly and truly to execute the Truſt or Office of a Veſtry-man*, &c. Which ſaid Oaths at the Election of a new Veſtry are to be adminiſtred by any Juſtice of Peace, of the place where the Veſtry is, and afterwards upon following Elections, either by a Juſtice of Peace, or the firſt Veſtry-man.

X. Every Perſon ſo elected is likewiſe to ſubſcribe the Teſt and Aſſociation, and then, and not before, ſhall be deemed and taken as one of the Veſtry.

XI. Two

XI. Two new Veſtry-men ſhall be annually choſen in the places of two others who ſhall be left out, to which purpoſe the Free-holders of every Pariſh ſhall meet yearly upon *Eaſter*-Monday.

XII. Where any Miniſter ſhall be lawfully in Poſſeſſion of any Living inveſted with the 40 *l. per* Poll, and reſiding thereon, he ſhall during ſuch his Continuance, and no longer, be one of the Veſtry of ſuch Pariſh, and Principal of the ſame.

XIII. Every Veſtry ſhall provide a fit Perſon for a Regiſter, who ſhall keep a true Regiſtry of the Proceedings of ſuch Veſtry, which Perſon ſhall take the Oaths ſubſtituted in place of Allegiance, and Supremacy, ſubſcribe the Teſt and Aſſociation, with the Oath for the due and faithful executing of his Office. The ſaid Regiſter ſhall make true Entry of all Births, Marriages, and Burials (*Negroes* and *Mulatoes* excepted ;) and all Pariſhioners are to notifie the ſaid particulars to the ſaid Regiſter within two Months after the ſame ſhall happen, and at the ſame time pay him 6 *d.* for his entring it, under Penalty of 100 *l.* of Tobacco from the Perſon neglecting to give notice, and the like Penalty upon the Regiſter for neglecting to enter it, having received his Fee for the ſame.

XIV. Such Regiſter ſhall ſhew his Regiſtry, and give a Certificate, to any Perſon, upon reaſonable Requeſt, receiving for his Fee, 6 *d.* for the Search, and 6 *d.* for the Copy or Certificate.

XV. Regiſtries or Entries of Births, Marriages and Burials heretofore made with any Clerk of any County-Court, according to the Direction of the Laws then in force, are hereby ratified and confirmed.

XVI. The Veſtry of every Pariſh ſhall, at the Pariſh Charge, provide a Book or Books (in caſe they be not already provided) within ſix Months, wherein to Regiſter ſuch Proceedings as aforeſaid, under the Penalty of 500 *l.* of Tobacco each Veſtry-man (the Miniſter only excepted) neglecting ſo to do.

XVII. The ſaid Veſtries ſhall meet once in every Month or as often as needful, upon publick notice given by the principal Veſtry-man, to confult of performing the ſeveral Authorities repoſed in them. And no Veſtry-man perſonally ſummoned ſhall, without reaſonable Excuſe, abſent himſelf under the Penalty of ſuch Mulct as the

Reſi-

Residue shall lay upon him, not exceeding 100 *l.* of Tobacco.

XVIII. Upon Default of the principal Vestry-man, to summon a Vestry when there is need, any other three of them (or if there be not so many, then two) may summon and appoint a Vestry. All such Omissions and Neglects to be Registred, and the Forfeitures incurr'd thereby to be recovered in the King's Name.

XIX. Where there is no Table of Marriages already put up in any of the Parish Churches, the respective Vestries shall within six Months at the most, procure such a Table fairly transcribed, and set up, and keep the same in their respective Churches, that persons may thereby be inform'd what Marriages are forbidden.

XX. The Vestry-men, and the rest of the Freeholders of the Parish, shall upon *Easter Monday* yearly, appoint two Freeholders of their respective Parish, to be Church-wardens for that Year.

XXI. Every Vestry-man (except as before) neglecting to procure a Table of Marriages, or to appoint Church-wardens, shall forfeit to the King 200 *l.* of Tobacco.

XXII. Which Church-wardens so chosen shall take the usual Oaths, and likewise an Oath, *Well and faithfully to execute that Office for the ensuing Year*, &c. To be administred by the Vestry.

XXIII. Any person so chosen a Church-warden, and refusing to serve, and take the Oaths aforesaid, shall be Fined 1000 *l.* of Tobacco to the King.

XXIV. The Church wardens and Vestry, shall take constant care to pay the parochial Charges, and all necessary Repairs of their Parish Churches, Chappels, and Church-yards, out of the Gifts, Goods and Chattels coming to their hands for the Church and Parish use. Towards the payment of which parochial Charges, the Forfeitures and Mulcts by this Law incurr'd, shall be levyed by the Church-wardens in each respective Parish, and by them accordingly applyed.

XXV. In case they have not sufficient Effects to pay Parish Duties as aforesaid, the Justices of the County Courts, upon Application to them made, may Assess the respective Parishes, not exceeding 10 *l.* of Tobacco, *per* Poll in one year. Which Assessment so made, and certified under the County Seal, shall be sufficient to the Sheriff of the County, to levy on the Taxables of such Parish,

Pariſh, in the ſame manner as other publick Dues are levyed, he deducting not above 5 *per Cent.* for his Salary, and paying the reſidue to the Veſtry, for the uſe aforeſaid.

XXVI. No Miniſter, ſhall at one time hold more than two Pariſhes, nor two, unleſs by the Deſire and Conſent of both Veſtries, and Appointment of the ordinary.

XXVII. Where there is not a Miniſter in any Pariſh, the Veſtry may provide ſome ſober and diſcreet Perſon as a Reader, and preſent him to the Ordinary, who may Sequeſter part of the 40 *l. per* Poll to pay him for ſuch Service, who upon taking the ſaid Oaths, Subſcribing the Teſt and Aſſociation, and procuring the Ordinary's Licence, may read Divine Service, and Homilies, at the uſual times, in the Church or Chappel, demeaning himſelf according to the Liturgy of the Church of *England.*

XXVIII. The firſt *Tueſday* in every Month, ſhall be fixt for holding a Veſtry, at a Eleven a Clock Forenoon, at the uſual place for that Purpoſe, without Notice. And the Major part of the Veſtry-men then preſent (ſuch Majority not being under three) ſhall Order, Direct, and Act in all things by this Act directed.

XXIX. In caſe any Veſtry-man ſhall remove from the Pariſh, or Voluntarily abſent himſelf, or otherwiſe become unfit or incapable, the Reſidue of the ſaid Veſtry, ſhall (after notice given of their Intentions) remove ſuch perſon from being a Veſtry-man, and proceed to a new Election, allowing the Party time, not exceeding a Fortnight, to make his Complaint if he thinks himſelf injured.

XXX. Every Pariſhioner, who contributes to the Publick Charges of his Pariſh, may require the Regiſter, at convenient times, to give him an Inſpection of the Veſtry-Books, and Accounts of all their Proceedings, *&c.* and finding himſelf aggrieved, or the Pariſh injured, may appeal for redreſs to the Governour and Council of the Province, who ſhall examine and determine ſuch Appeal, and their Order ſhall be Final; the right of Appeal to the King in Council always reſerved.

XXXI. Proteſtants diſſenting from the Church of *England* in Matters of Worſhip, and Quakers in Matters relating to Oaths, ſhall have the full Benefit, Eaſe, and Indulgences granted and allow'd, by an Act made, 1. *W.* and *M.* Entituled, *An Act for Exempting their Maje-*

ſties

sties Protestant Subjects, &c. *from the Penalties,* &c. And by another Act made 7, and 8, *W.* 3. Intituled *An Act that the solemn Affirmation of the People called Quakers shall be accepted,* &c. they conforming themselves in their meeting and assembling, and in all other things, to the Orders and Rules enjoined by the said Acts, *&c.*

XXXII. An Act made at the General Assembly held at the Port of *Annopolis* 1700, intituled *an Act for the Service of Almighty God, and Establishment of Religion in this Province according to the Church of* England, Repealed.

Repeal.

I. *Act* 97. An Act made 1661. *appointing particular Market-days in the Sea-Port-Towns,* repealed. Provided notwithstanding the selling Goods attached by Marshals upon Executions for Debt, shall be upon the Days and Times appointed. (*vid. Courts,* S. 8.)

II. *Act* 338. An Act past 1671, *to prevent Depopulation,* repealed.

III. *Act* 431. An Act past 1687. *for laying a Duty on shipping for building of Peers,* &c. Repealed.

Rocks.

I. *Act* 402. None shall break up, or carry away by Boat or otherwise, any Stones, or Rocks in any part of the Sea of this Island, within Musket-shot of Low-water-mark, under Penalty of forfeiting all such Boats or Vessels in which the same shall be carried, and for every Person employed in such Work the Person imploying shall forfeit 6 *l.* Sterl. the one Moiety to the Informer, the other to the Publick.

II. This Act not to restrain the taking of loose Stones wash'd up by the Sea over all such Rocks, and Shoals, where no Boat can pass.

S.

S.

Sales.

I. *ACT* 214. Where any Attachment is made, or Execution levied, upon any *Negroes*, Goods, or other Moveables for the Satisfaction of any Parochial Asseſment, or for any Servants or Labourers Wages, within the Cognizance of a Juſtice of Peace, ſuch Effects ſhall be out-cried and ſold between the firſt of *January*, and laſt of *September*, yearly, between the Hours uſed by the Courts of Common-Pleas (except for Servants Wages, f r which Markets ſhall continue all the year) and every day in that time, ſhall be a Market-day, if the Juſtice, *&c.* ſo appoint.

II. Out-crys ſhall be at Market Towns, for the Precincts where the Goods are taken ; and where the Officer cannot meet with Goods, it ſhall be in the Election of the Veſtry, or the Creditor, either to take the Perſon of the Debtor in Execution, or lay the ſame on his Lands, if he have any, which ſhall be Out-cry'd as Chattels.

III. If any perſon buy any Effects at any Market, and not pay for the ſame in the uſual time, ſuch Buyers ſhall incurr the Penalties and Forfeitures accuſtomed in the Courts of *Common-Pleas*.

IV. Where any perſon is taken in Execution by force of this Act, it ſhall not be in the Power of the Officer, who hath him in Cuſtody to let him go abroad with a Keeper, or without, under Penalty of paying double the Debt and Charges; unleſs the Debtor breaks Priſon, or goeth out with the Creditors Conſent.

V. Where the Body is in Priſon, yet the Party's Eſtate real or perſonal, ſhall notwithſtanding be liable to Execution.

VI. Upon all Executions upon Judgments, for Non-payment of the Duty of Excise, whatever shall be attached thereon, be the same Lands, Tenements or Buildings, they shall be deemed as Chattels, and sold by Outcry to him that will give most, which shall be as effectual to the Creditor and Buyer, as if there had been an Appraisement thereof.

VII. *Act* 220. All the Lands, Tenements, Hereditaments, *Negroes*, and all other the real Estates whatsoever, mentioned in the last Will of *Thomas Middleton*, Esquire Deceased, shall be vested in his Son *Benjamin Middleton*, Esquire, and his Heirs in Fee-simple. And all Remainders and Reversions expectant upon the said Lands and Premises, are for ever bar'd, and the said *Benjamin Middleton* and his Heirs are inabled to make Sale of all, or any part of the said Estate, to any person that shall purchase the same, to inable him the said *Benjamin* and his Heirs, to satisfie the Debts and Incumbrances upon the same. Provided, nothing in this Act shall prejudice any person who Claims any Legacy or Annuity, by the said Will of *Thomas Middleton*, or his Widow in her Joynture, Dowry, *&c.* or any other person Claiming any Right, Title or Interest, in the said Estate before the Death of the said *Thomas Middleton*.

VIII. *Act* 251. *John Plumley*, *Paul Plumley*, and *Sarah Plumley* Widow, and the Survivor of them, are impower'd to Sell or Demise, or make any other Disposition of all, or any part of the Land, *Negroes*, Stock, or other the Estate of *William Plumley* Deceased, to any person or persons whatsoever.

IX. This Act not to prejudice the Right, Title or Interest of any person, who on the 12th of *July* 1676, had any Claim to the Premises or any part thereof.

X. If payment be not made to the Creditors of the said *William Plumley*, then all the said Estate shall be liable to the Satisfaction thereof, in the same manner, as if it had remain'd unsold and undisposed of.

XI. All persons that since the 12th of *July* 1676, have for valuable Considerations, *bona fide*, purchased any part of the Premises, shall by Virtue of this present Act enjoy the same against all Persons whatsoever.

XII. A due Distribution of the Surplusage of the said *William Plumley*'s Estate, after Debts paid, to be made to the Legatees Widow and Children, of the said *Plumley*, according to his Will.

XIII. *Act*.

XIII. *Act* 286. Where Attachments are made, or Executions levyed upon Moveables for the satisfaction of any Parochial Levy or Assessment, or for Servants Wages, within the Cognizance of any Justice of Peace, such Effects shall be Out-cry'd and sold, as directed, *Sup. S.* 1. (*Act* 214.)

XIV. The Charges of Carriage, or driving to the Market Towns, and the Out-crys, shall be paid by the Church-wardens or Constables out of the attached Effects. Disputes about the Charge of Carriage shall be determined by a Justice of Peace.

XV. The rest is exactly the same, as is provided by the 214th Act, *Sup. S.* 2, 3, 4, 5, 6.

XVI. *Act* 364. *Wil. Sharp*, Esquire, Son of Colonel *Wil. Sharp*, Deceased, is impower'd to make a Sale in Fee-simple or otherwise, for the better enabling him to pay his Fathers Debts, and further Stocking the remainder of all such Lands that were his Fathers, which now lie wast and unimproved, over and above 414 Acres adjoyning to the Sugar-work, which are to be reserved from Sale: And the Purchasers shall hold and enjoy the same, any thing to the contrary, in a pretended Will or Deed of Settlement notwithstanding.

XVII. *Act* 372. Certain Lands called *Brook-haven*-Plantation in the Parish of *Christ Church*, formerly setled in Tail-male upon *John Kirton*, Gent. with divers Remainders over, shall be for ever hereafter vested in the said *John Kirton* in Fee-simple. And all Estate in Remainder or Reversion, Dock'd and Bar'd.

XVIII. The said *John Kirton* and his Heirs, are enabled to sell and convey all, or any part of the same, for the payment of his Debts.

XIX. Provided, that all such Monies as shall be raised by Sail of the said Plantation (except the Sum of 200 *l.* which shall be applyed towards satisfaction of the said *John*'s Debts) shall be laid out in the Purchase of other Lands in this Island to the same Uses, and for such Estates, as the said Plantation was setled.

XX. This Act not to prejudice any just Claim. Right, or Title to the Premisses Paramount to the aforesaid Settlement of the said Plantation.

XXI. *Act* 418. Certain Plantations, *&c.* in the Parish of *Christ Church*, formerly setled in Tail-male, and now in the Possession of *Philip Kirton*, shall be adjudged and

deemed vested and settled in the said *Philip* in Fee-simple. And all Estates in Remainder, or Reversion shall be dock'd and barred. And the said *Philip Kirton* and his Heirs, are hereby enabled to sell or dispose of the Premisses, to any person or persons whatsoever.

Secretary's Office.

I. *Act* 145. If the Secretary, by himself, Deputy, or Servants take directly or indirectly, any other Fee or Fees than is in this Act expressed, he shall forfeit all such publick Offices that he shall hold within this Island, and shall be proceeded against as an Executioner, and made uncapable of any Office of publick Trust. The Conviction to be before the Governour, or any two Justices of Peace.

II. A Table of the Secretary's Fees, shall be fairly ingrossed, and hung up in his Office there constantly to abide, under the Penalty of 10000 *l.* of Sugar.

III. The Fees specified, for which see the Act at large.

IV. *Act* 283. No person shall have a Ticket from the Secretary to depart this Island, unless he bring a Certificate from a Justice of Peace, that he knows, or that Proof is made by Oath before him, that he is a single Man, and hath no charge of Children, or if he hath Wife and Children, that he hath a competent Estate in this Island, or hath given Security, that they shall not be chargeable to the Parish. And the Secretary or his Deputy, shall not issue any Ticket without such Certificate, upon Penalty of answering the Damage of such Parishes as shall suffer thereby.

Servants.

I. *Act* 21. None shall presume to bring into this Island, any Children of the *English* Nation, or the Dominions thereof, to be sold as Servants, under the Age of 14 years, unless it appears by good Certificate or Indenture, in writing from the Chief of the Parish, where the Child last lived, that it is done with their Consent, or with the Consent of the Parents of such Child. (The Age to be judged by Inspection.)

II. Who-

II. Whosoever does otherwise, shall upon Conviction, be imprison'd, till he enters into a Recognizance with two sufficient Freeholders, of 100 *l.* that he will return such Child to his Parents or Guardians, and bring a Certificate of the performance thereof, within 12 Months next ensuing.

III. Men or Women inticed on Board, and sent hither without a Covenant, Indenture, or Contract in writing, or verbal Agreement made by such person, to be proved by the Oath of one Witness, or the Servants Confession, shall have Power, and be at Liberty to implead the Persons who brought them over, or those to whom they are consign'd, for their Freedom, and to recover Damages. Provided, he or she that hath been so wrong'd, declare the same, and make Complaint to some Justice of Peace within 30 days, after his or her Landing in this Island, unless hinder'd by Sickness.

IV. All Servants without Indenture or Contract, shall when their time expires, receive for their Wages 400 *l.* of *Muscovado* Sugar; and in case of Indenture or Covenant, then as it is therein exprest. (The last Master always to pay the said Wages.)

V. No Freeman shall trade with any Servant or Slave, without the Consent of the Master or Owner, upon pain of forfeiting treble the value of the Goods they trade for, to the Master or Owner of such Servant. All Contracts so made to be void: and the Freeman so offending to forfeit also 500 *l.* of Sugar, one half to the Informer, the other to the Treasurer.

VI. A Servant or Labourer laying violent hands on his Master, Mistress, or Overseer, shall upon Conviction before a Justice of Peace, serve one whole year after his time expired.

VII. If any Overseer, Servant, or Labourer, shall imbezle, purloin, wilfully waste, or make away any of his Master's Stock, Goods, Provisions, or Commodities whatsoever, he shall upon Conviction before a Justice of Peace, serve two years after his time expired, and be further liable in case that will not make Satisfaction.

VIII. Whosoever shall get a Woman Servant with Child, he shall personally serve the Owner of such Servant three years, or put one in his place for that time, in recompence of the said Owner's loss and charge in bringing up the Bastard Child; if the Child be brought

up at Charges of the Parish, then the reputed Father to serve the Parish two years, and the Owner one, or give Security to save harmless the Parish, and satisfie the Owner his Damage; if the Child dies within the three years, then the Party to serve the Owner one year; but if the Woman die, or become infirm by her Labour in Child-bed, then the reputed Father to serve the Owner all the time she had to serve when she conceived by him.

IX. The Woman Servant so offending, shall serve her Owner two years after her time by Indenture is expired.

X. If a Servant shall get a Woman Servant with Child, then after his time of Service is expired, he shall serve the Owner double the time she had to serve at the time of the Offence.

XI. If a Man Servant marry without his Owners Consent, he shall serve four years after the time of his Apprenticeship is expired.

XII. If a Freman marry a Maid Servant, he shall forthwith pay to the Owner of such Servant double the value of what she is worth, to be recovered by Action of Debt in the Court of the Precincts. But if it be a Servant that Marries, he shall serve the Owner, *ut Sup. S.* 10.

XIII. All Differences that may arise between Master and Servant, concerning the time of their Servitude, shall be heard and determined in the Court of the Precincts, where they live, as in other cases of Right between Party and Party. And all Servants, who have occasion of such Suit, shall be allowed such reasonable time for the performance thereof, as to the next Justice of Peace shall seem requisite, but not to be allow'd to more than two out of a Family.

XIV. If a Servant shall wilfully absent him, or her self, out of his or her owners Plantation or Service, without License or Ticket, he shall, upon Conviction before a Justice of Peace, serve his Owner for every two hours absence, one whole day after his time expired, provided the whole do not exceed three years.

XV. Whatever Master or Mistress, shall turn off a Sick Servant, or not use or endeavour all lawful means for the Recovery of such Servant, during the time of Servitude, he or she shall forfeit 2200 *l.* of Sugar. To be levyed by Warrant of a Justice of Peace, and disposed towards

towards the maintenance of ſuch Servant, and the ſaid Servant ſo neglected or turned off ſhall be Free. In caſe the ſaid Servant ſhall not live, the remainder of the Sugar to go to the other Poor of the Pariſh.

XVI. Where a Servant through his own wilful miſbehaviour, Contracts any Diſeaſe, broken Bones, or other Impediments, whereby he is diſabled to perform his Labour, ſuch Servant ſhall ſerve his or her Owner, after the time by Indenture is expired, till ſatisfaction for the Owners charges in the Recovery, *&c.* is made.

XVII. All Differences between Maſter and Servant, or Labourer, or Artificer, or School-Maſter or School-Miſtreſs, in relation to Wages or Salaries, ſhall be heard and determined by the next Juſtice of Peace, who ſhall thereupon iſſue Execution, to be executed by the Conſtable of the Pariſh.

XVIII. This is only to reach to Covenant Servants Wages, Servants, or Labourers hired by the Month, Day, or Year; and Artificers whoſe Debt, or Demand exceeds not 4000 *l.* of *Muſcovado* Sugar, *v. inf. S.* 35

XIX. No Owner, Attorney, or Overſeer of any Family or Plantation, ſhall preſume to bury any Chriſtian Servant that dies in their Plantations, out of the uſual Burying-place, till the Body hath been viewed by the next Juſtice of Peace, or a Conſtable and two Neighbours, upon pain of 20000 *l.* of *Muſcovado* Sugar. And if it appear upon view, that ſuch Servant came to his Death by any violence or unlawful means, notice ſhall be given to the Coroner, that Proceedings may be had therein according to Law.

XX. Every Juſtice, or Conſtable, and Neighbour, that being ſummon'd by the Owner of ſuch Servant, and fails to come within two hours after, ſhall ſeverally forfeit 1000 *l.* of Sugar.

XXI. Six hours after ſuch Notice given as aforeſaid, they may freely bury ſuch Servant.

XXII. All Servants under the Age of Eighteen years, imported to be diſpoſed of, having made no Contract in *England* or elſewhere, ſhall ſerve for ſeven years and no longer, if above eighteen, for five years and no longer, and at the End of their time receive 400 *l.* of *Muſcovado* Sugar for their Wages. Where Man and Wife are brought over as Servants in one Ship, they ſhall be ſold and diſpoſed of together, and not ſevered.

XXIII. All ſuch Servants as ſhall ſue for their Freedom in reſpect of their Ages, it ſhall be adjudged by the Jury by Inſpection, and proportion of Stature or Confeſſion.

XXIV. The Servant that unjuſtly troubles his Owner with Suits at Law, ſhall for his unjuſt Vexation, be ordered by the Court where he ſues, to ſerve his Owner, double the time he neglected, after the Expiration of his Covenant Service.

XXV. Servants that lie in Gaol for their own Offences, ſhall ſerve their Maſters, after the Expiration of the time they have to ſerve, double the time they have lain in Gaol for their Offences. And further, ſerve after the rate of 100 *l.* of Sugar *per* Month, till he hath ſatisfied the Charges his Maſter hath expended for him.

XXVI. Whoſoever ſhall entertain any Man or Woman above one Night, and not know the Party to be Free, ſhall forfeit 100 *l.* of Sugar for every Day or Night after the firſt. And if he knows the Party to be a Servant, then 500 *l.* of Sugar; half to the Owner, half to the Publick.

XXVII. If a ſuſpected Perſon come within any Plantation at unſeaſonable hours, thoſe of the Plantation may apprehend him, and keep him in Cuſtody till he may be brought to a Conſtable.

XXVIII. If any of one Plantation, entertain or hide a Servant, belonging to another Plantation, he ſhall upon Conviction, ſerve the Maſter of ſuch Servant entertained, one whole Year after the time with his own Maſter is expired.

XXIX. No Overſeer, Hired or Covenant Servant, ſhall, without Conſent and allowance, Ride, or lend to others to Ride, or Load, his Maſter's Horſes, working Cattel, Carts or Waggons, Penalty three Months Service.

XXX. A Servant by Indenture, or Cuſtom, being apprehended in the Act of running away, or found on board of any Veſſel upon Departure from this Iſland, or endeavouring to get aboard ſome Ship, or Bark, to eſcape, ſhall upon Conviction before a Juſtice of Peace, be condemned to ſerve three years after his time expired, and the ſaid Servants Hair to be ſhaved off.

XXXI. No Maſter of a Ship ſhall be permitted to Trade in this Iſland, as to Wood or Water here, till he hath given Security, himſelf and two Inhabitants of this Iſland in the Sum of 2000 *l. Sterl.* not to carry off any Servant, or Slave without the Owners Conſent, *&c.*

XXXII. All

XXXII. All Constables shall apprehend Run-aways, and them in safe Custody convey from Constable to Constable, till they come to the common Gaol, or to their Owners. The Constable that neglects his Duty herein, shall forfeit 200 *l.* of Sugar, half to the Publick, half to the Owner of the Servant.

XXXIII. The Minister of every Parish Church, shall read this Act twice every Year, in *December* and *June*, in their respective Churches ; Penalty 500 *l.* of Sugar, for every neglect, for the Publick use.

XXXIV. *Act* 327. Servants, Labourers, Artificers, and all persons that by the foregoing Act, may sue the Testator or Intestate, before a Justice of Peace, shall have the like Remedy against the Executor or Administrator.

XXXV. If the Balance of Accounts for Wages or Work done, doth not exceed the value of 4000 *l.* of Sugar or 25 *l. Sterl.* it may be sued for before the Justice of Peace, as by the aforesaid Act is appointed, and the said Justice of Peace hath Power to consider of the value of the Materials, that any Artificer made use of, together with their Labour, not exceeding the Sum aforesaid, *v. Sup. S.* 18.

Sessions. V. Courts, S. 43.

Settlements.

Act 46. The word [*Heirs*] being wanting in a former Act, *For settling the Estates and Titles of the Inhabitants in their several Plantations*, &c. They are notwithstanding declared, to have Power to dispose and alienate, or otherwise their Estates to descend to their Heirs for ever.

Slaves.

I. *Act* 336. None shall take, or detain, any *Negro* or Slave, who has been in the Possession of another for the space of three Months, without due Course of Law, upon pain of 2 *s. Sterl.* to the Party grieved for every Days detainure.

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II. The two next Justices of Peace, shall upon Complaint, order the Offender to restore the *Negro* or Slave detained, and pay the Penalty aforesaid, and upon refusal, or neglect so to do commit him, or her till performance; and grant Execution for the Sum of 50 *l. Sterl.* as a Penalty to be levyed upon the Estate, real or personal of the Offender, *&c.*

III. This Act not to extend to any Person, that shall let, or Lend, any *Negro* or *Negroes*, nor to any who come by the Possession of such Slaves, by Consent of the Claimer; or those from whom he makes Title.

IV. A Justice refusing, or neglecting his Duty herein, shall forfeit 50 *l. Sterl.* half to the Publick, half to the Party grieved.

V. In all Suits for detinue of any Slave, the Defendant being summon'd ten days before, the Court shall proceed to Tryal, and give Judgment the first Court after Summons, and Execution forthwith. In case the Detainer doth not appear the first Court, Judgment by *Nihil dicit*, and Execution forthwith.

VI. A Widow sending off from this Island, any *Negro* or Slave that she holds in Dowry, without the Consent of him or her in Reversion, shall forfeit such *Negro* or Slave, and all other her Dowry, to the Reversioner. So also, if such Widow's second Husband shall send off any such *Negro* or Slave.

VII. The Right and Possession of *Negroes* and Slaves, shall be sued for by Action of *Detinue*, *Partitione facienda*, or Dowry, and by no other Action.

VIII. None shall bring, sell, or dispose of any *Indians* to this Island, upon Pain of forfeiting the same, one Moiety to the use of the Island, the other to the Informer.

Soldiers.

Act 380. In case a Regiment of Soldiers shall be sent up hither from the Leeward Islands, after the Expedition (*1692*) is over, to remain here during the present War; such Soldiers shall receive free Quarter, *viz.* Meat, Drink and Lodging, in as full manner as hired Freemen; and shall be placed on such Persons as the Governour shall appoint.

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Taxes.

I. ACT 265. All the now (1663.) rightful Possessors of Lands, and Hereditaments within this Island, may at all times repair to the Governour for full Confirmation of their Estates and Tenures (many having lost Grants) shall receive the same, under the Great Seal for this Island.

II. All payments of 40 *l.* of Cotton *per* Head, and all other Duties, Rents and Arrears, which have or might have been levyed, are for the future released and made void. And the Inhabitants shall hold their several Plantations to them, and their Heirs in free and common Soccage, yielding and paying yearly at the Feast of St. *Michael* (if demanded) one Ear of *Indian* Corn, to his Majesty, his Heirs and Successors, in discharge of all Rents and Services whatsoever.

III. An Impost or Custom, shall be raised upon the native Commodities of this Island, in manner following. Upon all dead Commodities shipped off, shall be paid to the King for ever, four and a half *in Specie, per Cent.*

IV. If any of the said Goods be shipped, or put on Board to be carried beyond the Seas, the Imposition due for the same not paid, compounded for, or tendred to the Collectors, *&c.* then the said Goods shall be forfeited, half to the King, and half to him that shall inform, seize, or sue for the same, in any Court of Record within this Island.

V. Nothing in this Act shall extend, or be construed to bar the King, or the now Governour *Francis* Lord *Willoughby* of *Parham*, from his or their Right to any Land granted, or any Incroachments made upon the Sea since the Year 1650, nor to any Lands call'd *the Ten thousand Acres*, Lands granted by the late Earl of *Carlisle*, to *M. R.* Esq; *W. P.* and others on certain Covenants and

Conditi-

Conditions, which last mentioned Lands shall not be liable to any Tax, Impost, or Custom imposed by this Act.

VI. An Act made 1650, Entituled, *An Act importing the Customs imposed and Granted*, &c. *to Francis Lord Willoughby of* Parham, and his Lordship's Confirmation of the Inhabitants Estates, with the Tenure and Rent thereon created, Repeal'd.

VII. *Act* 436. Every Commander of a Ship trading to this Island, shall pay to the Keeper of the Stores of the Magazine, one pound of good Gunpowder *per* Tun, according to the Tunnage of his Ship, before he Lands any Goods (Horses and living Creatures excepted) Penalty 100 *l. Sterl.* to be paid upon Conviction before the President and Council, by the Oath of one Witness, and Commitment till paid.

VIII. Ships liable to this payment shall be reported upon Oath, or gaged by the length of the Keel within board, and the breadth to be taken by the Midship Beam from plank to plank, and the depth of the hold, from the plank below the Kelsey, to the under part of the Deck-plank; then multiply the length by the breadth, and the Product thereof by the depth, and divide the whole by 94, and the Quotient will give the true Contents of the Tunnage, according to which Rule all Vessels shall be measured.

IX. The Keeper of the Stores of the Magazine, shall keep a fair Register of all Entries upon Oath, and take no Fee, but what is by this Act appointed, and shall when required faithfully Account for all Powder, Arms, and other Stores that shall come into his Possession for the use of the Publick.

X. A Master of a Vessel making a short Entry, and being thereof Detected upon Gaging, shall forfeit and pay three pounds of Gunpowder for every Tun short Enter'd.

XI. The Keeper of the Stores of the Magazine, shall be annually nominated, and recommended by the general Assembly, to the Governour, and shall continue in that Office no longer than one year, without a new Election. His Salary shall be 100 *l. Sterl. per annum.* Paid out of the publick Treasury.

XII. The said Keeper of the Stores, shall give sufficient Security in the Secretary's Office, in the Sum of 2000 *l. Sterl.* for the true and faithful Execution of his Office.

Office. And before he Acts, take an Oath before the President and Council, *That he will endeavour to his utmost Power, in all things to observe, perform, fulfil and execute the Place of Keeper, of the Stores of the Magazine*, &c.

XIII. The said Keeper of the Stores, shall be allowed 20 *l.* Current Money *per annum*, for his Charges and Trouble in surveying such Vessels as shall be under Entred, besides all reasonable Charges, for bringing in and carrying out the Stores, to be paid out of the publick Treasury.

XIV. The said Keeper shall not sell, Barter, Exchange, Export, or take Mony, or any other value in lieu of Gunpowder, Fire-arms, or any other Stores of the said Magazine, without the Consent and Licence of the Governour, Council, and Assembly, in writing: and in case he, or any others having such Charge of the Kings Stores of War, shall imbezel, purloin, or convey away any of the same to the value of 20 *s*, it shall be adjudged Felony, and the Offender suffer as in case of Felony, as is Enacted and Declar'd in the Statutes, 31. *Eliz.* 1. 4. and 22. *Car.* 2. 1. 5.

XV. The Commissioners, for settling the publick Accounts of this Island, are impower'd to call before them all such persons as have been, or shall be entrusted with the Stores of the Magazine, and take a just Account of all such Stores, Ammunition, and Money, as have been by them received for the use of the Publick. And the said Commissioners, shall have full Authority to grant Execution against any Persons, their Executors and Administrators as appear indebted, and to Command all Books of Accounts, and Writings of any Debtor before them, whereby Proof and Discovery may be made, and to administer Oaths; and in all these Particulars, shall have the like Authority as is used in the Court of Chancery. But not to call in question any Person entrusted with the Magazine above twelve years last past.

XVI. An Act past in the Year, 1669, *Appointing an Impost of Powder*, &c. And another past, 1696, *To prevent Frauds*, &c. *in the Payment of the Powder-Duty*, Repeal'd.

Trade.

Act 374. All Acts which did lay a Tax or Duty on any *Negro*, or *Negroes* bought or purchased by any Subject

ject of the King of *Spain*, are Declar'd absolutely Null and Void, and the said Subjects of the King of *Spain*, may have free Liberty of trading to this place for *Negroes*, without paying any Duty.

Transportation.

I. *Act* 139. Whosoever shall Bargain, Contract, or agree to carry off this Island, any person or persons, to serve for time, in any Place whatsoever, for his, her, or their Passage, or for Debt, or Pretence thereof, where any time of Service is to be given as Recompence, every such Contract shall be void, and the person Contracting, shall for every Offence pay 4000 *l.* of *Muscovado* Sugar, half to the Informer, and half to the use of the Island.

II. Provided, any person going off with his Family, or sending to any other Settlement in his own Right, may send off thither any person, not Servant to another, having first observed the Rule and Practice of going hence.

III. Whosoever shall send off any person that hath Wife and Children, who may become chargeable to the Parish, such person shall be obliged to maintain them at his own Charge, or submit to such Fine as the Vestry where they abide, shall impose. Which Fine shall be to the use of the poor of the Parish.

IV. Whosoever hath a Ticket for his own Departure, out of the Secretary's Office, and delivers the same to another person, who is carried off, or tenders the same to a Master of a Ship in order thereunto, such Offender, shall upon Conviction at the Quarter Sessions, be sentenced to stand in the Pillory, three several days, and receive twenty Lashes on his bare Back. Unless the Party who first received the Ticket, by accident losing the same, forthwith declare the Loss to some Justice, or otherwise use all diligence to prevent such Evil, as may ensue upon such Loss of the said Ticket.

V. *Act* 173. The Secretary or his Deputy, shall keep publickly in his Office, a Table for Entring and putting up all persons Names, intending to depart hence. And he shall not give any Ticket or Licence for any to depart, unless their Names have been first set up in the said Table, full 21 days, or otherwise taken good Security to answer

answer all under-writings, that shall be Enter'd there within 21 days, from the first setting up their Names.

VI. Persons not well known to the Secretary, or Deputy, shall not obtain a Ticket, until the party produces a Certificate from some Justice of Peace, that he or she hath gone, or been known by such a Name. In such case the Secretary taking Security to answer under-writings as aforesaid, may grant a Ticket to be Signed by himself, and afterwards by the Governour, and such Ticket so Signed, shall be a lawful Warrant for any Master of a Ship to transport the Party to whom granted, to any Place.

VII. The Clauses aforesaid, not to extend to Infants under the Age of 14 years, nor to Women Covert, unless they trade as Feme sole Merchants.

VIII. Whosoever shall under-write any person, having his Name up as aforesaid, he shall set forth the Sum or Sums of Money, Sugar, or other things due, or to be performed, and how it doth arise, by Bill, Bond, Judgment, Accounts, Covenant, or otherwise; or if for part of a Bill, Bond, *&c.* then to set forth the Sum or Sums remaining due, that the Secretary may know how to take the Security for the Sum under-written, *&c.*

IX. The persons so under-writing shall file their Action, or Actions within 21 days after the Security given, otherwise the same being pleaded, to be a sufficient Bar to the Action, and all others for the same Cause. And the Party under-writing to forfeit 2000 *l.* of *Muscovado* Sugar, half to the party underwritten, the other half to the Publick. Except where the party under-writing dies within the 21 days.

X. Any person may under-write any Sum or Duty, due or to be performed, at any future time, observing the method aforesaid. And the Secretary, or Deputy, shall take sufficient Security for the same, before he delivers a Ticket upon penalty of paying the Debt to the under-writer. Provided, the under-writer file his Action within 21 days after the Debt or Duty becomes payable, otherwise to be barr'd, as abovesaid.

XI. No person having 10 Acres of freehold Land within this Island, shall be liable to Arrest, nor any other Inhabitant, for any Sum under 1000 *l.* of Sugar, or 6 *l.* 5 *s.* in Money, but shall be summon'd, according to the Act for judicial Proceedings, (*Vid. Sup. Courts S.* 4.) Unless he

hath

hath taken out a Ticket to depart, and not given Bond, *ut supra*. And in all Actions on ſuch Arreſt, if the Defendant plead the ſame, the Plaintiff ſhall be non ſuited, and pay trebble Coſts. And where any is arreſted the Cauſe of Action ſhall be ſet forth in the Warrant of Arreſt.

XII. The Governour may upon Complaint of any Perſon under written, or arreſted, grant a Commiſſion impowering five good and able Men, or any three of them, whereof one to be a Juſtice of Peace and Quorum, or two Juſtices to be Judges of a ſpecial Court for Expedition to try all Cauſes of Under-writings, and Arreſts. The Party that obtains ſuch Commiſſion ſhall firſt make Oath that he is really going off, and cannot without prejudice to his Affairs ſtay the Proceedings of the uſual Courts of Common-Pleas.

XIII. The ſaid Commiſſioners ſhall be ſworn to do equal Right, they ſhall ſummon the Under-writer or Party arreſting to appear and file his Action, and iſſue out their Precept to the Marſhal of that Precinct to ſummon a Jury, and in caſe the Verdict paſs for the Plaintiff, forthwith to enter Judgment, and iſſue Execution for immediate ſatisfaction by Appraiſement, *&c.* or impriſon the Body if no Effects be ſhewn to ſatisfie the ſame.

XIV. If the Plaintiff appear not, being duly ſummoned, to proſecute, or upon Trial no juſt Cauſe appear for his Under-writing, or Arreſting, or the Major-part of the Debt or Summ pretended be not found due, or the ſame appear to be done out of Malice, and with vexatious Intent, in ſuch Caſes the Verdict ſhall be for the Defendant, and Judgment againſt the Party arreſting, or Under-writing, to pay trebble Damages, and double Coſts; and Execution to be as aforeſaid. And alſo to pay 2000 *l.* of Muſcovado Sugar to the Treaſurer for the publick Uſe, and Commitment till paid. And ſuch Verdict and Judgment ſhall be a perpetual Bar to ſuch pretended Cauſe of Action.

XV. The Marſhal's Fees for attending ſuch Court, ſhall not exceed 500 *l.* of Muſcovado Sugar, nor the Clerks, 250 *l.* of Sugar.

XVI. The Judges of ſuch Trials ſhall certifie the ſame to the Secretary, and alſo to the Provoſt Marſhal, that they may proceed accordingly. And in caſe the Cauſe of the Under-writing or Arreſt be not made good, then the Under-writing in the Secretary's Office ſhall be null and void, as if never done.

XVII. If

XVII. If the Party arresting do not within three days after file his Action, the Party arrested shall be discharged, and after that no Action received; also the Plaintiff shall forfeit to the Defendant 3000 *l.* of Muscovado Sugar.

XVIII. Where any Person hath Cause of Action which lies only in Damages, and not in Certainty, he may under-write for a Summ in Gross, as the Case may require, and not be subject to the former Rules.

XIX. Upon all Under-writings, or Arrests, for above 200 *l.* Sterling or 32000 *l.* of Sugar, the Security tendered shall be approved by the Governour and Council, or Major-part.

XX. Where the Defendant upon an Arrest, appears not at the first Court, being called, the same Proceedings shall be against him as in the Courts of Common-Pleas upon *Nihil dicit*, and Judgment and Execution thereupon. In case Effects of the principal Defendant cannot be found, nor his Body returned to Prison, then Judgment and Execution to issue against the Security (being first summoned to shew Cause why, *&c.*)

XXI. The Secretary or Deputy shall take no more Fees than allowed by a late Act; and for any neglect of his or his Officers, shall forfeit and pay Damages and Costs to the Party wronged thereby.

XXII. Whosoever gets a Ticket, or hand to a Ticket, otherwise than from the Secretarie's Office in manner aforesaid, shall pay all Costs and Damages to the Party injured thereby. And whosoever shall be convicted before a Justice of Peace, of assigning, or delivering any Ticket (lawfully or unlawfully obtained) so as some other Person or Persons are carried off, shall find Sureties to appear and answer the Fact at the next General Sessions, and answer Costs and Damages occasioned thereby.

XXIII. Tickets shall be had and obtained from the Governour or his Deputy, for the Transportation of Servants and Slaves; for every such Ticket the Owner shall pay 10 *l.* of Sugar, the said Owner proving upon Oath that the respective Servant or Slave is at that time the proper Estate of that Person who claims him.

XXIV. Such Persons that intend to depart, and shall be under-written for any Debt under 1000 *l.* of Muscovado Sugar, or 6 *l.* 5 *s.* Sterl. the Cause shall be heard

and determined by any one Justice of Peace, in the same manner as for Servant's Wages.

XXV. A former Law *concerning Persons intended to depart*, and all things therein, repealed; but not to extend to any Person now in Custody, or liable to any Judgment or Execution, by virtue of that Act.

XXVI. *Act* 349. No Recovery that shall be made on any Obligation hereafter forfeited for carrying off any Person or Persons without a Ticket, shall be employed or assigned to any other purpose than for satisfaction of the Party injured, with his Charge and Damages, and no greater Summ shall be levied than only to satisfie him his Debt, Charges, and Damages sustained.

V.

Vagabonds.

I. *ACT* 34. All Justices of Peace in their several and respective Precincts, shall take notice of all loose, idle, vagrant Persons, who have no constant Place of Aboad, nor settled Imployment, and forthwith send a List of their Names to the Governour, that all such Persons may be employed in some necessary Work for the Defence of the Island, *&c.*

II. *Act* 114. All such as travel, wander, and go from House to House in this Island with Packs or Wares to sell to any Inhabitants, Servants, or Slaves, shall forfeit their Wares and Commodities so carried as aforesaid. And any Person may apprehend them, and have them before a Justice of Peace, and if upon Examination they shall be found to be Offenders against this Act, the said Justice may divide the Goods and Wares so carried, giving half to the Apprehender, and half to the Over-seers for the

the Uſe of the Poor of that Pariſh where the Perſon offending was apprehended.

None ſhall be deemed Offenders againſt this Act, for carrying any the growth of this Iſland.

Veſtries.

I. *Act* 13. No Aſſeſsment or levy whatſoever made by any Veſtry, ſhall be of Force and Validity till confirmed by the Governour and Council.

II. All Free-holders ſhall yearly repair to their reſpective Pariſh-Churches on the ſecond *Monday* in *January*, and there chooſe ſixteen Perſons to be Veſtry-men of their Pariſh for the Year inſuing, who, or the Major-part, ſhall manage all buſineſs of the ſaid Pariſh, ſet Rates, &c. and perform ſuch other Duties as doth belong to their Office.

III. The ſaid Rates being publiſhed three *Sundays* in the Pariſh Church, and no Exception taken, ſhall be approved and confirmed by the Governour and Council, and Attachment granted for levying the ſame. In caſe Exception be made, the Party grieved ſhall be heard, and his Tax examined and determined by the Governour and Council, before the Confirmation paſſes.

IV. One Juſtice of Peace may ſummon, as occaſion requires, the Veſtry-men, Church wardens, and other Pariſh-Officers, to meet at their Pariſh-Churches, to debate and conſult about the Pariſh and Church Concernments, and whoever fails to come (due notice given) without allowed Excuſe, ſhall forfeit 500 *l.* of Muſcovado Sugar, to be levied by Warrant of Diſtreſs, &c. to the Uſe of the poor of the Pariſh, &c.

Uſury.

I. *Act* 91. No Perſon whatſoever, after the 29th of *Sept.* 1668, ſhall directly or indirectly take for Loan of any Moneys, Sugars, or other Wares, or Commodities whatſoever, above the Value of 10 *l.* for the forbearance of 100 *l.* for a year, and ſo after that Rate. Bonds and Contracts made whereby there ſhall be reſerved above the Rate of ten in the hundred as aforeſaid, ſhall be ut-

terly void. And all, and every Person, who after the time abovesaid, shall take by way of any corrupt Bargain, Loan, Exchange, Chievesance, Shift, or Interest of any Wares, or other thing, for the forbearing or giving day of Payment for one whole year, for Moneys or other things, above the Summ of 10 *l.* for the forbearance of 100 *l.* and so after that Rate, shall forfeit treble the Value of the Moneys, Sugars, &c. so lent.

II. Every Scrivener, Broker, Sollicitor, &c. who after the time above-said, shall take for Brokage, or Sollliciting, or procuring a Loan, or forbearing any Summ, more than 5 *s. per* hundred Pounds, and so ratably, and more than 12 *d.* for a Bond or Counter-bond, shall forfeit for every such Offence 2000 *l.* of Muscovado Sugar, and Imprisonment for half a Year. The Moiety of which Forfeitures shall be to the King, the other to him that shall sue.

III. There shall be no Change or Alteration of Money or Wares lent, or continued, in the hands of the Borrower, but it shall remain of the same Species it was first lent in, and not Goods shifted into Money, or Money into Commodities. Which was formerly a great Abuse, the Lender working on the Necessity of the Borrower.

IV. Recoveries made in this Island of Debts payable in *England*, and there not duly satisfied, shall be paid by Attachment and Appraisement, and not by Out-cry. And such Debts shall be here satisfied by Muscovado Sugar, at 2 *d.* the pound: And if the Recovery be on Bills of Exchange, 20 *per Cent.* to be added.

V. This Act to continue for seven Years from the said 29th of *Sep.* and so to the End of the sitting of the Assembly next following.

VI. *Act* 116. The 4th Sect. *Supra*, Repealed. Upon a Bill of Exchange here produced or sued for, no more than ten *per Cent.* shall be allowed.

W.

W.

Weights and Measures.

I. *ACT* 6. All Traders, Store-keepers, and others, ſhall ſell all their Commodities and Merchantdizes, according to the Weights and Meaſures, Gages and Cask, uſed in *England*, viz. according to *Winchester* Meaſure, and according to the Weights and Numbers uſed in the City of *London*, and what is bought there at 120 to the hundred, ſhall be ſo ſold here. And whoſoever ſhall offend againſt this Act ſhall forfeit double the Value of the Commodities ſo put off, and the Contract made ſhall be void. The Forfeitures to be half to the Publick, half to the Informer.

II. A Table of the true and exact Weights, Meaſures, and Numbers uſed in *England*, ſhall be hanged up in the Secretary's Office.

III. *Act* 350. A Buſhel of Corn, either *Indian*, or *Guinea* in the Ear or Stalk, or of any Bonaviſts, Peas, Beans, or other Pulſe in the Husk or Shell, ſhall contain 74 pound Averdupoize-weight, and a Buſhel of the foreſaid Produce thraſh'd or beaten, ſhall contain 56 pound of the like weight. Whoſoever ſhall ſell or diſpoſe of any the ſaid Commodities contrary to this Act, ſhall forfeit the ſame, half to the Informer, half to the Church-wardens for the Uſe of the Poor of the Pariſh.

Wharfs.

Act 10. If any Goods, Merchandizes, or other Commodities ſhall be found to lie and remain on any Publick Wharfs, or Landing-places, at the *Indian-Bridge-*

Town, or *Speght*'s-Bay, *alias*, *Little-Bristol*, above the Space of one Week, the Owner of ſuch Goods ſhall forfeit for every day they ſo lie above a Week, 500 *l.* of Sugar to be levied, upon due Proof before two Juſtices of Peace, one half to the Informer, the other to the publick Treaſury.

A TA-

A TABLE OF General Heads and References.

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BAR-

BARBADOS,

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FINIS.

AN ABRIDGMENT OF THE LAWS OF MARYLAND, Now in force. Under Proper Heads.

A.

Appeals.

I. 11 *W.* 3. *p.* 53. Enacted, that no Execution upon any Judgment in Provincial, or other Inferiour Courts within this Province, shall be stay'd or delay'd upon Appeal or Writ of Error, unless the Party bringing the Appeal or Writ of Error, or some other on his or her behalf, shall immediately enter into Bond with sufficient Sureties, in double the summ recovered, with Condition to pursue the Directions in this Act mention'd, and also to pay to the party against whom the Appeal is brought, his Executors, *&c.* in case the Judgment be affirmed, the Debt, Damages and Costs below, and all further Costs and Damages awarded in the Court where such Appeal or Writ of Error shall be heard and determined.

II. No person against whom any Judgment shall be given in any County Court, shall have any Appeal or Writ of Error from the said County Court to the Provincial Courts where the Debt or Damages do not amount to 6*l*. Sterling, or 12 hundred pounds of Tobacco. And no person against whom Judgment shall be given in the Provincial Court of this Province where the Debt or Damage shall not exceed the summ of 50 *l*. Sterling, or ten thousand pounds of Tobacco, shall be allowed an Appeal or Writ of Error to the Governour and Council; but the Judgments of such Courts shall be definitive.

III. The Party appealing, or suing out a Writ of Error, shall procure a Copy of the full proceedings of the Court from whence he appeals, *&c.* under the hand of the Clerk of the said Court, and the Seal thereof, and transmit the same to the Court to which he appeals, and also file in the said Court such Error as the Plaintiff in the Writ of Error shall Assign, upon which Transcript the Court before whom such Appeal or Writ of Error shall be brought, shall proceed to Judgment.

IV. All Appeals made in the manner aforesaid, shall be allow'd and admitted by the Superiour Court to which they are made: And every Clerk of a Court where an Appeal shall be demanded, shall enter at the sitting of the said Court a Memorandum of such Demand, in the Journal and in the Records of the said Court. And no Clerk of a Court shall refuse or delay any Appellant to make out a Transcript of the whole Proceedings in such manner as aforesaid, upon Penalty to pay such Damages as the Appellant shall sustain by such Refusal or Delay, the Party paying such Clerk his Lawful Fees for securing the same.

The Fees for a Writ of Error, to the Secretary 50 *l*. of Tobacco, to the Keeper of the Seal, 120 *l*. of Tobacco, For a *Supersedeas*, to the Secretary and Keeper of the Seal, the like Fees: And for a *Scire facias ad audiendum Errores*, the like Fees.

VI. In all Appeals and Writs of Error, tryed before the Governor and Council, if the former Judgment shall be affirmed, such Determination shall be final, unless such Judgment exceed the summ of 300 *l*. Sterling, or 60000 *l*. of Tobacco; and in such Case the Party against whom such Judgment shall be given, may appeal to the King and Council in *England*.

VII. All

VII. All persons, relievable in Equity from any Judgment in the Provincial or County Court, shall exhibit his Bill, and proceed in Chancery, before any Appeal be enter'd before the Governor and Council, and not afterwards: and all persons grieved by any Decree in Chancery, may exhibit his Prayer before the Governor and Council, to receive and examine the same, and the Judgment or Decree of such Court of Review shall be final, unless the Original Debt or Damage exceed the sum aforesaid, and then to appeal to the King and Council.

VIII. An Act of Assembly made 1694, concerning Appeals and Writs of Error, repeal'd. And all Appeals brought before the Governor and Council shall and may be heard by them out of Assembly time, any former Law or Practice notwithstanding.

IX. Where the Governour of this Province is concerned in any Appeal or Writ of Error, brought from any Provincial or County Court to the Governor and Council, it shall be sufficient for the Council only to hear and determine such matters, whose Judgment shall be definitive, except as before excepted.

Assembly.

I. 4 *W. & M. p.* 16. When the Governor of this Province shall think fit to call and convene an Assembly, and to send Writs for Burgesses and Delegates to serve in such Assembly, the Writ shall be in the form prescribed in the Act at large, *viz.* Authorizing the Sheriff upon receipt thereof, to call together four or more Commissioners of his County and the Clerk, who shall sit as a Court, and make publick Proclamation to all Freemen of the said County, having a Freehold in the same of 50 Acres, or a visible Estate of 40 *l.* Sterling at least, to appear at the next County Court, for electing of Deputies and Delegates to serve in a General Assembly, to be holden at the City of *St Mary's* on the day of, *&c.* At which time the major part of the said Freemen shall choose four several Freemen of the said County, each having a Freehold of 50 Acres at least, or a visible Estate of 40 *l.* Sterling within the County, who are to be returned severally by 4 several Indentures, but no Sheriff is elegable, *&c.*

II. Two Citizens ſhall ſerve in the ſaid Aſſembly for the City of *St Mary's*, to be nominated and appointed by the Mayor, Recorder, Aldermen, and Common Council.

III. Which 4 Delegates for every reſpective County, and the Citizens for *St Mary's*, are obliged to attend at the time and place of meeting of ſuch Aſſembly, under the penalty of ſuch Fines as the Houſe of Aſſembly ſhall impoſe, without ſufficient excuſe for abſence.

IV. Any Sheriff that ſhall refuſe, or neglect to make Return of the Delegates ſo elected as aforeſaid, before the ſitting of ſuch Aſſembly, or ſhall make any undue or illegal Return, ſhall for every fault be fined 1000 *l.* Sterling, one half to the King for ſupport of the Government, the other to the Informer, to be recover'd in any Court of Record, wherein no Eſſoine, *&c.* to be allowed.

V. This Act not to extend to exclude any County, City, or Burrough, hereafter by the King, his Heirs or Succeſſors, to be made within this Province, from the Liberty of electing Delegates and Repreſentatives as before expreſt, but that ſuch Writs, as aforeſaid, ſhall upon calling every General Aſſembly go forth to every ſuch County when it ſhall be erected, and to ſuch City or Burrough, commanding them to make ſuch Elections aforeſaid, to ſerve in the General Aſſembly next enſuing.

VI. No Ordinary Keeper within this Province, during the time of his Keeping Ordinary, ſhall be elected to ſerve as a Deputy or Repreſentative in the General Aſſembly.

VII. *An. 6. W. & M. p. 26.* All Delegates and Burgeſſes of Aſſembly ſhall be allowed the ſum of 140 *l.* of Tobacco a day (beſides Itinerant Charges) during the time they ſhall attend ſuch Aſſembly, to be paid out of the Publick Levies of this Province.

VIII. The like allowance ſhall be to the ſeveral Commiſſioners of the Provincial Courts during the time they ſhall ſit in and attend in ſuch Courts, to be paid in like manner out of the Publick Levy. And the ſeveral Commiſſioners of the County Courts, during the time they Attend ſuch Courts, ſhall be allowed the ſum of 80 *l.* of Tobacco *per* day, which the ſaid Commiſſioners of County Courts are hereby impower'd to aſſeſs and levy, where ſuch Commiſſioners ſhall ſerve.

IX. Pro-

IX. Provided, that where the Justices of any County, being a full Court, or above the number of 7, shall agree and consent to lessen the allowance hereby given, or take the same off totally, entring such Rule in the Record, it shall for that year be an absolute Law and Rule for every Justice of that County Court as to their expences; and if they see fit, they may make the same Rule or such other as they shall agree on once every year.

X. The Act of Assembly made 1692, *Ascertaining the Expences of Commissioners of Provincial and County Courts*, repeal'd.

Attorneys.

I. 11 *W*. 3. *p*. 70. No Summons or other Process for any Criminal matter or Misdemeanor, shall issue out of any Court against any person, without a Presentment be first found by the Grand Jury, unless by special Order of Court, and if the Attorney General or any Attorney of the Provincial Court, shall issue any Process in other manner, he shall forfeit and pay the sum of 5000 *l*. of Tobacco, the one half to the King, the other to the party grieved, or him that shall sue for the same.

II. If any Clerk of Indictments, or any other Attorney practising in any of the County Courts, shall issue forth any Process against any Person for any such matter as aforesaid, without Presentment found, or special Order of Court, appearing upon Record, he shall forfeit the sum of 2500 *l*. of Tobacco, one half to the King, the other to the party grieved, or him that shall sue, *&c*. And the Party offending shall have no Appeal or Writ of Error, but the Judgment of the County Court shall be definitive therein.

III. If the Clerk of the Provincial Court, or any Clerk of a County Court shall issue out any Process in Criminal Causes without order under the hand of an Attorney practising in that Court, to justify the same, the said Clerk so offending shall be lyable to the same Forfeitures and Penalties of Attorney so offending, to be remov'd and go as aforesaid.

IV. The Attorney General of this Province, shall not

receive any Fee for any Navigation Bond put in Suit, nor for any Bond taken for Country Dues, where the said Bond appears not to be forfeited, and if he shall sue any Bond taken contrary to Act of Parliament, or taken for Country Dues, and no Bill of Exchange protested, or other failure, to forfeit the Bond, or where the Certificate is returned into the Secretary's Office; in any of which Cases appearing to the Provincial Court, the said Attorney General shall lose his Fee, and also pay the Secretary's Fees, and what other charges the Party hath been at in defending the same.

V. When any Writ is issued forth upon a Bond taken in the Kings name, it shall be indorsed on the back, for whom the Person was bound, and in what year (if a Navigation Bond) or at whose request it was sued (if a Sheriffs Bond) or Bond taken by any of his Majesty's Officers in this Province, and for want of such Indorsment the Writ shall abate, and the party grieved recover his loss against the Attorney that sued it forth.

VI. Upon every Presentment by the Grand Jury for Breach of any Penal Laws of this Province (except that for Suppressing Criminals, and trying them in the County Court) if the party presented confesses the Crime, and submits, the Clerk of the Indictments shall have his Fee for the same; if the party traverse, the Clerk shall have 200 *l.* of Tobacco: and upon every Presentment, grounded upon any Statute of *England*, if the Bill be found by the Grand Jury, the Clerk shall have 200 *l.* of Tobacco Fee. And upon Presentment found in the Provincial Court, the Attorney General shall have 400 *l.* of Tobacco fee.

B.

Bail.

I. 11 *W.* 3. *p.* 76. When Special Bail is required in the Provincial Court, if the Defendant be present in Court, he shall give Special Bail in open Court, and shall be deemed in Custody of the Sheriff that arrested him till Bail be so given: But if the Defendant be not able

able to procure ſpecial Bail at the ſaid Court, he ſhall remain in Cuſtody of the ſaid Sheriff, and by him be ſafely guarded back into the County where arreſted, and there kept till he can procure ſuch Bail.

II. But if the party who is to give ſuch Special Bail be not preſent at the Provincial Court, then the Sheriff of the County where the Defendant was arreſted may by virtue of a Rule of Court for Special Bail, take him into Cuſtody again, and keep him ſo till he can procure Bail accordingly.

III. Any Juſtice of the Provincial Court may, in the County where he ſhall inhabit, and in caſe of Death or abſence of ſuch Juſtice, the Preſident of the County Court may take and receive all and every ſuch Recognizances of Bail, as ſhall be willingly acknowledged or made before him in his County, in any Suit depending in the ſaid Provincial Court.

IV. Which Recognizances ſo taken ſhall be tranſmitted to the Juſtices of the ſaid Provincial Court at their next ſitting, which the ſaid Court ſhall receive upon payment of the uſual Fees for taking Bail; and the ſame ſhall be of like force and effect, as if taken *de bene eſſe* before the Juſtices of the ſaid Provincial Court during their Sitting.

V. And for taking ſuch Recognizances of Bail, ſuch Juſtices of the Provincial Court, or Preſident of the County Court, ſhall receive the ſum of 5 *s.* and no more.

VI. The Juſtices of the Provincial Court ſhall make ſuch Rules for juſtifying of ſuch Bails, and making the ſame abſolute, as they ſhall think meet, provided the Conizors of ſuch Bail be not compellable to appear in Perſon in the Provincial Court to juſtify themſelves.

VII. Juſtices of the Provincial Court taking any Recognizance of Bail, may examine the ſureties upon Oath, touching the value of their reſpective Eſtate, if occaſion require.

Bills of Exchange.

I. 11 *W.* 3. *p.* 50. There ſhall not be allow'd to any perſon, impleading any perſon in this Province, upon any Bill of Exchange drawn for any ſumm of Money, payable in *England* or elſewhere, and brought in here

protested, more than 20 *per Cent.* Damages, besides the Debt sued for, together with ordinary Costs of Suit.

Blasphemy, Swearing, &c.

I. 11 *W.* 3. *p.* 82. If any person whatsoever inhabiting within this Province shall Blaspheme, that is, Curse God, deny our Saviour to be the Son of God, or deny the Holy Trinity, or the Godhead of any of the three Persons, or the Unity of the Godhead, or shall utter any reproachful words or Language concerning the Holy Trinity, or any of the 3 persons thereof, he or she shall for the first Offence be bored through the Tongue, and fined 20 *l.* Sterling to the King, towards defraying the County charge where the Offence was committed; or if the Party hath not an Estate sufficient to answer that summ, then to suffer 6 months Imprisonment. For the 2d Offence, he or she shall be stigmatiz'd in the Forehead with the Letter B, and fined 40 *l.* Srerling to the uses aforesaid, or Imprisonment for one whole year. And for the 3d Offence, he or she so offending, and thereof legally convicted, shall suffer Death, with confiscation of all their Goods and Chattels to the King.

II. Every Person convicted of Fornication, shall for every time so offending, be fined to the King 20 *s.* Sterling, or 400 *l.* of Tobacco, or receive Corporal Punishment, by whipping at the discretion of the Court, not exceeding 39 Lashes. And every Person convicted of Adultery shall be fined 40 *s.* Sterl. or 800 *l.* of Tobacco, or receive Corporal punishment as aforesaid.

III. Every Person who shall harbour, entertain or provide for the maintenance of any lewd Woman, or frequent the Company of any such, after Publick Admonition by the Minister, or Church Wardens, or Vestry of the Parish, shall for every such Offence undergo such Pains and Penalties, as by this Act are provided against those who are convicted of Fornication or Adultery.

IV. If any Person Prophanely Swear or Curse in the hearing of any one Justice of Peace or Head Officer of a Town, or that shall be thereof convicted by the Oath of one Witness before any one Justice or other Head Officer, or by Confession of the Party, he shall forfeit 5 *s.* Sterl. to the King, to the use of the Poor of the County,

to

to be levy'd immediately by Warrant from ſuch Juſtice or Head Officer, to the Conſtable or other Perſon directed, and in caſe any Perſon ſhall refuſe to execute the Command or Warrant of ſuch Juſtice, *&c.* he ſhall forfeit and pay 5 *s.*

V. Every time any Perſon ſhall Prophanely Swear or Curſe in any Court houſe, ſitting the Court, he or ſhe ſhall upon Conviction immediately pay the ſumm of 10 *s.* or be ſet in the Stocks for the ſpace of one hour, by order of one Juſtice or Head Officer as aforeſaid.

VI. Provided none ſhall be Proſecuted for any ſuch Swearing and Curſing, unleſs the ſame be within 10 days after the Offence committed.

VII. Every Juſtice or Peace or Head Officer as aforeſaid, ſhall receive all ſuch Forfeitures as aforeſaid when levyed, and render a juſt account thereof to the Juſtices of each reſpective County yearly, at the time of laying the County Levy, to be diſpoſed of to the uſes aforeſaid.

Bounds and Limits.

I. 11 *W.* 3. *p.* 60. If any man hath a Tract of Land lying in Woods, and from his firſt markt Tree, or otherwiſe, run a certain Courſe and certain number of Perches to a Bay, River, Creek or Branch, which have a conſtant Stream or certain Channel; if the number of Perches fall ſhort, in ſuch caſe, if adding 50 *per Cent.* thereto will reach the ſaid Bay, River, *&c.* expreſt in the Grant, the Line ſhall be extended thereto. And where the ſaid Line interſects the Water of the ſaid Bay, River, *&c.* which are expreſt in ſuch Grant, ſuch Interſection ſhall be deemed the certain point of ſuch Tract of Land, but if the ſaid adding of 50 *per Cent.* will not reach the ſaid Bay or River, *&c.* he ſhall not extend his Bounds further than his certain number of Perches, to the prejudice of any later Survey.

II. If a Tract of Land, by a River, Creek or Branch ſide, run a certain Courſe and number of Perches from a certain markt Tree up the River, *&c.* to the head of the ſaid River, *&c.* and the Survey do not expreſs any markt Tree, to which the Line might be ſuppoſed to come, the ſaid Tract ſhall be concluded by the certain num-

number of Perches. But if in this or the former case, if there be a markt Tree exprest in the Survey, and sufficiently proved, to which the course of the River leads, or may be attained by adding 10 *per Cent.* to every hundred Perches of the Line which leads to it, the owner of such Land shall hold that surplusage granted by the said 10 *per Cent.* against any later taker up, and even against the Lord Proprietor, his Heirs and Successors.

III. If any second or later taker up of Land shall have taken up a Gore or Land that may include it, and not improved or built thereon, the owner of the first Tract shall pay him his charges in taking up the same, and reimburse him the Rent paid for the same, and the first owner shall hold the full Square, paying his Lordship his succeeding Rent for the Surplusage. But if the taker up of the said Land or Gore have Built thereon, he shall not be lyable to an Action of Trespass; but in case the Owner of the first Tract do not agree with him about paying for his improvement, then the taker up of the Gore shall hold it such a number of years, not exceeding 14 to come, as a Jury of Re-survey shall judge.

IV. If a man hold a Tract of Land by the side of a Creek, River, or Branch, and it be described to begin at a markt Tree by the side of the said Creek, *&c.* and is on that side to be bounded with the said Creek, *&c.* and exprest to run a certain number of Perches, but no markt Tree appointed for it to end at, in all such like cases the Owner of the Land shall reverse his last Line. But in this or any other like case, if 50 *per Cent.* will not intersect the Branch, Creek, or River, then the precise Lines and Course to be the Bounds thereof: And the reversing of Lines shall determine Bounds when the Lines by the Water side slants over the Creek, River, *&c.* and in that case the Creek, River, *&c.* shall be the Bounds of such Tract.

V. If a Tract be described to lye on a certain side of a Creek, River, *&c.* and begin at a markt Tree, and run a course North, up and down the said Creek, *&c.* to another markt Tree by the River side, which second markt Tree makes the breadth of the Land, within 50 *per Cent.* the second Line, supposing East, shall be drawn from the second Tree a certain number of Perches, and from the end thereof South till it intersect a Line drawn also East from the first Tree, and from that intersection

tersection a Line drawn West to the first Tree, the Water, the West, and the South Line, shall be the Bounds of such Tract, and all such Tracts in cases Parallel: And all the Land between the 2 Trees by its general bounding on the Water, shall be adjudged part of the said Tracts, and afterwards from the second Tree it shall be determined by Lines as aforesaid.

VI. And if a Tract of Land be laid out by a certain number of Acres, where tho the length of the Lines and the accuteness of the Angles will not make the number of Acres, yet the Tract shall be confined by such Bounds, and the Owner shall be contented.

VII. If a Man hath a greater number of Perches given him in length or in breadth by express words, than he ought to have, yet he shall hold the same against any later taker up, and against the Lord Proprietor, rendring Rent.

VIII. Every Man that hath an entire Island granted him, tho he hath Surplusage, and tho the Lines, Courses or numbers of Perches be not rightly exprest, yet he shall hold the same against any later taker up, and against the Lord Proprietor, rendring Rent. And the Patent shall not be avoided for any pretence of being deceived in his Grant, except where his Lordship hath granted any Land *ex mero motu de gratia speciali*.

IX. If a certain number of Perches be prescribed to run by a Creek, River, *&c.* and no markt Tree or certain course exprest, the said number of Perches shall not be spent away by the several Windings of the Creek, *&c.* but brought to a strait Line of that Length, or else regulated by other Courses, formerly prescribed.

X. If Lands be bounded by a Creek, or Cove, running a certain course or number of Perches, if that Creek or Cove wear out and expire, or unreasonably wind above 5 points before the number of Perches be determined, in such cases the Lines shall be the Bounds from the beginning to the end.

XI. If Land begin at a markt Tree by a River, Creek, *&c.* and so go up or down the said River, Creek, *&c.* to another markt Tree at the mouth of a Creek or Cove, and then run a certain course or number of Perches by the said Creek, *&c.* where the winding of the said Creek, *&c.* wou'd shorten the Line from extending far enough into the Woods, *&c.* in this case the full Line and Course

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prescribed shall be run out, and from the end of that Line shall be drawn a Line reverst to the next Course, which is to be run till it intersect the said Creek or Cove, and by that intersection it shall be described how far that Tract shall be bounded by the Creek, *&c.*

XII. In all Cases where positive Eye-witness cannot be had, there Traditional Evidence *viva voce*, agreeing with Record, shall be accounted good Proof. And where the first markt Tree is wanting, and the beginning cannot reasonably be proved, but yet a second or third markt Tree is found, the Tree so found shall rule the Bounds of the whole Tract, according to the Rules in this Act mentioned. Where a Man holds a Peninsula or Neck of Land, and have several markt Trees upon the Points or Capes of his Tract, which do not exactly agree in course or distance, and yet by good Evidence can prove his Exterior Bounds, and the whole Neck to be granted to him, there all things shall be favourably Interpreted to his holding the whole against any later taker up, although he hath built and improved.

XIII. If any Tract of Land be described to begin at the uppermost or lowermost Tree of another Tract, in all such cases the second Tract shall begin where the first terminates, unless it can positively be proved, that the Surveyor did at the taking up, mark a Tree for the beginning of the second Tract, *&c.*

XIV. If a Tract described to lye on a certain side of a River, Creek, *&c.* and at the last by general Bounds is described to be bounded by the said River, Creek, *&c.* and the first Line be drawn from the River, *&c.* into the Woods, *&c.* and their other courses are prescribed, which at last come to the River, *&c.* the courses shall there determine and be bounded by the Water, and not pass over, and the Owner shall be contented with what Land is between such Lines and the Water, be it never so little.

XV. If a Tract of Land be described to begin at a certain Tree, and run a certain course, expressing no number of Perches, till it intersect another Tract of Land, and no determinate number of Perches to limit the Lines, 'tis a void Survey, and shall be deemed to include nothing.

XVI. If a Tract begin at a certain markt Tree, and run to the head of a Creek, Branch or Cove, it ſhall be determined as afore deſcribed in like caſes, and if for more breadth it begin again on the other ſide at the head of the ſaid Creek, *&c.* it ſhall be adjudged to be right oppoſite to the ending of the firſt ſide, except there be a markt Tree expreſt on the ſecond ſide to regulate that part otherwiſe.

XVII. If a Tract be ſo laid out that one part lies on one ſide, and another part on another ſide of a former Survey, the Owner of the ſecond Tract ſhall hold all that is clear of the former Survey, and all former Surveys whatſoever on both ſides.

XVIII. If any Man's markt Tree or Trees ſtand within another Man's Lands, he in whoſe Lands the ſaid Trees ſtand, ſhall not on any pretence cut down any of thoſe Trees, unleſs he firſt give notice to the Owner of the Land whoſe Bounds ſuch Tree is, and in his preſence plant other ſufficient Locuſt or Cedar Poſt, or Stone, in place of ſuch Tree, under penalty of 6 *l.* Sterling to the Party whoſe Bounds ſuch Tree was.

XIX. Every Man, having ſuch Tree or Trees within another Man's Lands, and having an Order for Re-ſurvey, may upon asking leave, go with Surveyor, Jury and Witneſſes, on ſuch Land whereon his markt Tree ſtands, and from thence meaſure his courſe, provided he do no manifeſt damage, or if accidentally any happen, within 3 days make reparation and amends.

XX. No man ſhall have 10 *per Cent.* given him to the preciſe number of Perches, except it be by that addition of 10 *per Cent.* to reach a markt Tree or other natural Bounds.

XXI. If a man holds Land by a River or Creek ſide, yet ſo as there lies Marſh between the firm Land and the River, ſuch adjacent Marſh ſhall not be taken up by any other, but ſhall be deemed and adjudged to belong to the Land which is adjacent, except in *Somerſet* County, and upon *Dellaware*, and the Ocean.

XXII. If a man hold Land, which is expreſt to be bounded by a Line drawn from a certain Tree, or other individable point of Interſections, to a certain markt Tree in the Woods, and the ſaid Tree do not correſpond to the Courſe or Courſes expreſt, but differ very much; in ſuch Caſes (where it is not otherwiſe provided) the Lines ſhall

be

be the Bounds of ſuch Lands, and the Trees ſhall be deſerted, and one Line ſhall be drawn from the end of another: Yet if any ſecond Taker up have begun at any of the ſaid deſerted Trees, and run lines parallel to the firſt Taker up's Lands, the firſt Taker up ſhall have no Action of Treſpaſs againſt him, tho part of the Land falls within the Lines of the firſt Taker up, but the ſecond Taker up ſhall Enjoy his Improvements on ſuch Lands for ſuch number of years, not exceeding 14, as a Jury ſhall think reaſonable.

XXIII. And they ſhall determine in ſuch caſe, in Writing under their Hands and Seals, what part of ſuch Lands happening to be clear, ſhall be aſſigned to the firſt taker up, and what part ſhall be aſſigned to the ſecond taker up, *&c.*

XXIV. The Juſtices of each reſpective County Court, may grant a Warrant of Re-ſurvey, and a *Venire* if required, when the Re-ſurvey is only to aſcertain Bounds; the Petitioner paying only to the Clerk 16 *l.* of Tobacco for his Warrant, and 30 *l.* of Tobacco, or 2 *s.* 6 *d.* to the Commiſſioners, and the Surveyor ſhall have only ſuch Fees as in a primitive Survey, *&c.*

XXV. If any Perſon hold a Tract of Land, which on any Line is ſaid to run a certain Courſe, and certain number of Perches to another Man's Land, if 50 *per Cent.* added to the Line do not come up to the ſaid Land, yet if the number of Perches give the quantity of Land which the taker up had due to him, he ſhall be contented, and ſhall not extend his Line further to the damage of any later Survey.

XXVI. If any Owner of Land perceiving he hath more breadth betwixt his Trees, which gives him more Land than was due to him at firſt, hath while he was Owner of the firſt Tract, by Common Warrant taken up the Surpluſage, he ſhall by vertue of ſuch Survey and his Lordſhips Grant, hold the ſame.

XXVII. No Warrants or Grant to alter any Survey, on pretences that the Surveyor was miſtaken, or any the like Pretences, ſhall take effect to the damage of any later taker up that hath ſeated and improved, where the Area of ſuch firſt Survey includes conſiderable Land of any quality, and hath but one markt Tree; but where ſuch Area includes no Land at all, but only Water, there the miſtake is manifeſt, and it ſhall be adjudged, in

caſe

case of difference, according to the Intent of the Surveyor clearly proved. And these Words *up the River, Creek, &c.* instead of *down*, or *down* instead of *up*, shall not vitiate any Grant or Deed, by which the Land is convey'd, where the rest of the Words in the said Grant or Deed manifestly imply it only to be a mistake, and the first taker up shall rectify his Survey, and take a new Grant.

XXVIII. Provided nothing in this Act shall alter, make Erroneous, or defeat any Judgment in the Provincial Court before the making this Act, nor any Arbitration or Award under Hand and Seal, before the making this Act, Errors in Law excepted. Provided such Awards be recorded in their respective County Records within a year and a day after the publication of this Act, and acknowledged in open Court by one Arbitrator or Umpire.

XXIX. If in a Certificate one whole Line be left out, yet if the other Lines be so exprest, that they shew what length and breadth were design'd, and which wou'd make out the quantity of Land due to the taker up, in such case the first taker up shall hold his Land against any other, as if his Certificate were intire.

XXX. If a Man hold a Tract of Land, exprest to bound on another Tract, and to begin at a markt Tree standing in the Line of that Tract, on which it is said to bound; but if the first markt Tree cannot be found, yet if any other markt Tree of that Tract be found and proved, that Tree shall rule the Bounds of the Tract. If no Tree be found, the Owner may re-survey and lay it out again, beginning at the Line where it was first said to begin. But it shall be then reputed later than any other Survey, and the taker up shall not intrude upon any other Tract where a Plantation is seated. And the like shall be adjudged in all parallel cases where no Tree is to be found. Yet, if any such markt Tree was said to begin at a noted place, if such place is certainly known and procured, a Jury shall find a point to begin at most agreeable to the Description in the Certificate or Grant of the same.

XXXI. If any Controversie happen about Bounds of Lands, whereof there is no Parallel within this Act, the Provincial Court shall not give Judgment therein, but it shall be put to the Assembly, to be determined by an Act.

C.

Churches and Chappels.

I. *An. Dom.* 1697. *p.* 43. All ſuch Lands as have been formerly given to the uſe of any Church or Chappel, tho the Donors in their Life time have not made any Deed of Gift of the ſame; and in confidence of whoſe promiſe the Pariſh hath been at the Charge of erecting and building their Church thereon, ſhall be and remain to the uſe of the Pariſh for ever, and againſt all Claims made or to be made by the ſaid Donors, Heirs, Executors, or Aſſigns.

II. The Grand Jury of every County within this Province, ſhall enquire by what Titles ſuch Lands whereupon the ſeveral Churches or Chappels of the reſpective Pariſhes within their Precinct ſtand, are held, and give an Account thereof to the Court, who ſhall examine Witneſſes where ſuch Lands appear to be given, and not confirmed, in *perpetuam rei memoriam*, and record the ſame in the County Court Records, which ſhall be adjudged and taken in all Courts of Record in this Province as a ſufficient Proof of the Donation.

III. And in caſe it ſhall appear that Lands have been given for the uſe of any Church, *&c.* but the quantity not mentioned, in every ſuch caſe the Veſtry of ſuch Pariſh where the Gift hath been made, and the quantity not aſcertained, may demand and take for the uſe of the Church thereunto adjacent, 2 Acres of ſuch Lands, and no more, which they ſhall cauſe to be ſtaked out, and return 2 Certificates thereof, one of which to be recorded in the County Court, the other in the High Court of Chancery, in *perpetuam rei memoriam.*

IV. Where the Veſtry of any Pariſh have, or ſhall think convenient to place a Church, or Chappel of Eaſe, but the Owners of ſuch Lands, choſen out by ſuch Veſtry, for ſuch uſe, either refuſing, or making unreaſonable demands for the ſame, or being under Age, *&c.* In ſuch caſes the Commiſſioners of the County Court may

grant

grant their Warrant to the Sheriff of the County, requiring him to impannel a Jury of Freeholders next adjacent, which Commissioners and Jury shall proceed as directed by an Act of Assembly, intituled, *An Act impowering the Commissioners of the several Counties to take up and purchase Lands for their County Court Houses.* V. inf. Courts. S. 9.

V. *An.* 11 *W.* 3. *1699. p.* 52. As often as the necessity of each respective Parish Church shall require Repairs or Supplies, the Vestry-men and Churchwardens thereof, shall apply themselves to the Justices of the County Court, who shall raise by equal Assessment by the Pole on the Inhabitants of such Parish, such sums of Tobacco as shall be adjudged necessary, not exceeding the sum of 10 *l.* of Tobacco *per* Pole in one year; which shall be levy'd by the Sheriff, and by him paid to the Vestry-men of the respective Parish, who shall give a True account to the said Justices, how, and for what they have laid out the same.

Colledges and Schools.

I. *An. Dom.* 1696. *p.* 40. Enacted, that for the propagation of the Gospel, and the Education of the Youth of this Province in good Letters and Manners, a certain Free-School or Schools, or place of Study of *Latin*, *Greek*, Writing and the like, consisting of one Master, one Usher, and one Writing-Master to a School, and 100 Scholars, more or less, may be made, erected, founded and established, to be called King *William*'s School, and under his Patronage, and the Arch-bishop of *Canterbury* to be Chancellour of the said Schools. To be managed by certain Trustees in the Act named, and their Successors.

II. The said Schools to be erected at *Ann-Arundel* Town, upon *Seavern* River, and at such other place or places, as by the General Assembly shall be thought convenient, to be supported and maintain'd in all time coming.

III. The said Trustees, or longest livers of them, are enabled to take, hold, and enjoy, Mannors, Lands, Tenements, Rents, Rectories, *&c.* and all other Inheritances, *&c.* whatsoever, Spiritual or Temporal, to the value of 1500 *l.* Sterling, and all Goods, Chattels, Money

ney and Perſonal Eſtate whatſoever, of the Gift of any Perſon that is willing to beſtow them for the ſame uſe, or any other Gifts, Grants, Aſſignments, Legacies, *&c.* with this Intention and Truſt, that the ſaid Truſtees, or the major part, or longeſt Livers of them, ſhall diſpoſe of the ſame, and of the Rents and Profits thereof, only for defraying the charges in erecting and fitting the Edifices of the ſaid intended Schools, as they ſhall think moſt expedient; and after the ſaid Schools ſhall be erected and founded, that then the ſaid Truſtees ſhall apply all ſuch Lands, Tenements, Rents, Goods, Chattels or Advantages whatſoever, remaining, as hereafter expreſſed.

IV. The ſaid Truſtees ſhall appropriate out of the ſaid Revenues, the ſum of 120 *l.* Sterling for the Salary and Maintenance of the firſt mentioned Free School, Maſter, Uſher, and Scribe, and the neceſſary repairs and improvements of the ſame.

V. And for the uſes and purpoſes aforeſaid, the Truſtees in the Act named, to be incorporated into a Body Politick, by the name of the Rectors, Governors, Truſtees, and Viſitors of the Free-Schools of *Maryland*, with power to plead and be impleaded in all Cauſes and Actions whatſoever in all Courts and places of Judicature, and with ſpecial Licence to the ſaid Truſtees or any Perſon or Perſons whatſoever, after the ſaid School or Schools are ſo erected and founded, to Grant, Aſſign and Bequeath Lands, Tenements, *&c.* to the value of 1500 *l.* Sterling *per an.* to the ſaid Truſtees and their Succeſſors, for the uſes aforeſaid.

VI. The ſaid Truſtees, Viſitors and Governors, in perpetual Succeſſion, to have full and abſolute Power in making and ordaining Laws, Orders and Rules, for the Good Government of the ſaid Schools, as to them ſhall ſeem moſt fit and requiſite, all which ſhall be obſerved by the Maſter, Tutors, and Scholars.

VII. Provided the ſaid Rules and Orders be no ways contrary to the Prerogative Royal, the Laws and Statutes of *England*, or *Maryland*, or Canons and Conſtiſtitutions of the Church of *England*.

VIII. The ſaid Governors, Viſitors, and Truſtees, and their Succeſſors, ſhall be always 18 men, and not exceed 20. To be Elected and Conſtituted as hereafter ſpecified, of which one ſhall be called Rector of the ſaid Schools,

Schools, who ſhall exerciſe the ſaid Office during one year (Death and Legal Diſabilities excepted) and then the Governors ſhall elect and nominate another from among themſelves, to be Rector for one whole year next enſuing, and thereafter till ſome other Rector ſhall be duly elected and ſworn into the ſaid Office.

IX. As often as any one of the ſaid Governors and Viſitors of the ſaid Schools ſhall dye, or remove himſelf and Family out of this Province for good and all, the Rector for the time being, and other Viſitors and Governors then remaining within this Province, or major part of them, ſhall nominate and chooſe one or more of the Better ſort of the Inhabitants of the ſaid Province into the Place or Places of thoſe Departed, and the Party or Parties ſo choſen, ſhall take their Corporal Oath before the Rector and Governors, well and faithfully to execute the ſaid Office.

X. The Rector for the time being, with the Conſent of three or more of the ſaid Governors, ſhall and may as often as they ſee convenient, convocate the ſaid Governors and Viſitors together, to conſult and conſent to ſuch things as are for the Good and Benefit of the ſaid Free-Schools; and the ſaid Governors and Viſitors may hold ſuch their Court or Convocation in ſuch Free-School or part thereof as to them ſhall ſeem convenient; and may from time to time puniſh any Diſorders, Miſdemeanors or Offences of any Maſter, Uſher, Scribe, or Scholars of any ſuch Free-Schools; and if they ſee cauſe, diſplace or alter any Maſter, Uſher, or Scribe of any ſuch School or Schools, and put others in their places.

XI. And the ſaid Rector, Governors and Viſitors of the ſaid Schools, and their Succeſſors, ſhall have one Common Seal, to make uſe of in all Cauſes and Buſineſſes belonging to them and their Succeſſors, in the ſaid Office of Rector, Governors, *&c.* Which ſaid Seal they may break, change, and renew from time to time, as they ſhall ſee moſt expedient.

XII. As ſoon as the ſaid Rector, Governors, *&c.* ſhall be enabled by any Gifts, Grants, *&c.* of Lands and Tenements, or other Eſtate whatſoever, exceeding 120 *l. per an.* allotted for the ſupport of the firſt Free-School at *Seavern* aforeſaid; then as they ſhall be enabled, they ſhall proceed to erect, found, and build one other

Free-School at the Town of *Oxford*, on the Eastern Shoar of this Province in *Talbot* County, or where the Rector and Governors shall see most expedient in that County. And the same being built, they shall appropriate and apply to the said 2d Free-School, out of the Treasure accruing, the sum of 120 *l. per an.* for the Benefit and Support of such 2d Free-School, and shall place there a Master, Usher, and Scribe, as in the first Free-School aforesaid, who shall in all respects be under the same Benefits, Injunctions, and Restrictions.

XIII. After the said 2d Free-School is erected and furnished, the said Rectors and Governors shall, as fast as they shall be enabled, proceed to the erecting other Free-Schools in this Province, *viz.* in every County one. And shall be impowered to establish and restrain them under the same Benefits, Injunctions and Restrictions as aforesaid, and dispose and apply so much of the said Revenue, not before disposed, to each Free-School, as to them shall seem expedient, not exceeding 120 *l.* as aforesaid.

XIV. A Supplementary Act for Free-Schools, made 1694, Repeal'd.

Coopers, and Cask.

I. *An.* 6. *W.* & *M.* 1694. *p.* 23. All Tobacco Hogsheads shall be 48 inches in length, and 32 inches in the head. And the Cooper that shall not observe the Gage aforesaid shall forfeit the Cask. The matter to be try'd and adjudg'd by the Justices of the County Court where such person inhabits.

II. Every Cooper agreeing with any Inhabitant of this Province to make his Tobacco Cask, shall set up and finish one half of the said Cask by the 10th of *October* next ensuing such agreement or undertaking, and the other moiety by the 10th of *December* following, under the penalty of the sum of 100 *l.* of Tobacco, for every Tun of Cask left unmade at the times aforesaid, unless hindred by Sickness or some other lawful Impediment.

III. Timber designed for Tobacco Hogsheads shall be fallen and sawed by the 1st of *April* yearly, that the same may be well season'd, under the Penalty of 100 *l.* of Tobacco for every Hogshead made of Timber not so sea-

ſeaſoned, one half to the King, the other to him that ſhall ſue.

IV. Timber for Hogſheads as aforeſaid ſhall be hewen, riven into Staves and Heading by the laſt of *July* yearly. And all Coopers ſhall at the finiſhing of ſuch Hogſheads, burn the 2 firſt Letters of their name with an Iron Brand within the bulge of each reſpective Hogſhead, and alſo mark the weight of every Hogſhead in the bulge thereof, Penalty 100 *l*. of Tobacco.

V. Provided no Cooper ſhall be prejudiced for any error or miſtake in the weight of any Hogſhead by him weighed and marked, not exceeding 5 pounds weight. And all perſons that ſhall undertake to make their own Cask, ſhall be obliged to mark and weigh every reſpective Hogſhead by him made, under the ſame Penalty and Forfeiture as aforeſaid. So alſo for every Maſter that ſhall employ any Servant or Negro, to ſet up any their Cask or Tobacco Hogſheads.

VI. In conſideration of all which, the Receiver of any Hogſhead of Tobacco ſhall pay and allow to the Owner thereof the ſum of 40 *l*. of Tobacco, deducting out of the groſs weight, the true weight of each Hogſhead as markt on the Bulge.

VII. *An.* 12. *W.* 3. 1700. *p.* 115. Any perſon that ſhall ſuffer, or cauſe any Cooper that makes his Tobacco Hogſheads, to be made of a larger Size than by the above-ſpecified Act is directed, ſhall for every Cask ſo made forfeit the ſumm of 200 *l*. of Tobacco, half to the King, and half to the Informer, to be recovered by Action, Bill, *&c*.

VIII. This Law ſhall be given in charge to the Grand Jury by the Juſtices of every reſpective County.

Coroners.

I. *An.* 4. *W. & M.* 1692. *p.* 9. The Governor for the time being ſhall conſtitute and appoint ſuch to be Coroners, as he ſhall think beſt qualified for that Office, in each reſpective County.

II. The Governor ſhall give out Commiſſions to ſuch perſons as aforeſaid, which ſhall as near as may be concur with the Laws and Conſtitution of *England*. And an Oath ſhall be adminiſtred to ſuch Coroner at his

entring into the ſaid Office, according to the form of the Coroners Oath in *England*.

Counties.

I. *An.* 7. *W.& M.* 1695. *p.* 32. The Bonnds of *St Mary's* County ſhall begin at *Point Look-out*, and extend along *Potomack* River to the lower ſide of *Bud's Creek*, and ſo over to the Head of *Indian Creek* in *Patuxent* River. And upon the upper ſide of the ſaid *Indian Creek* and *Bud's Creek*, ſhall the Bounds of *Charles* County begin where the other ends, and extend to *Mattawoman Creek*, including all the Land lying on the upper part of *Bud's Creek* and *Indian Creek* Branches.

II. The Land from the upper ſide of *Mattawoman* and *Swanſon's Creeks*, extending upward by *Potomack* on the Weſt, and *Patuxent* River on the Eaſt, ſhall be conſtituted a County of this Province, and called *Prince George's* County, and enjoy all Rights, Benefits and Priviledges, equal with other Counties.

III. Certain perſons, in the Act named, are impowered to cauſe Surveyors to ſettle the Bounds and Limits of *St Mary's*, *Charles* and *Prince George's* Counties, as aforeſaid, and the ſame to be markt out and Lined with a double Line of markt Trees, and to return Certificates of the ſame to the Governor and Council, to be recorded, under penalty of 1000 *l.* of Tobacco from the perſons named, and 2000 *l.* of Tobacco from the Surveyor, half to the Informer, and half to the Pariſh where the Offender dwells.

IV. The place for holding the County Courts, for *St Mary's* County, ſhall be in the State-houſe at the City of *St Mary's*, and in no other place.

V. The Iſland of *Kent* ſhall be added to and made part of *Talbot* County. And that part of *Talbot* County which lies on the North ſide of *Corſeica Creek* ſhall be the Southerly Bounds of the County of *Kent*, and on the North the County of *Cecil*.

VI. The Perſons in the Act nominated, are appointed to cauſe the Surveyors of *Talbot* County to run out and mark the Bounds of the Counties of *Kent* and *Talbot*, with a double Line of markt Trees, under the penalty expreſt *S.* 3.

VII. *An.*

VII. *An. Dom.* 1698. *p.* 46. A Division of the Counties of *Ann-Arundel* and *Baltimore*, being made from 3 markt Trees standing about a mile and a quarter to the Southward of *Bodkin Creek*, on the West side of *Cheasapeak Bay*, and running thence West, till it cross the Road from the Mountains of the mouth of *Maggaty* River to *Richard Beard*'s Mill, and so continuing Westward to 2 markt Trees, one for *Ann-Arundel* County, the other for *Baltimore* County, and still continuing West, between *Maggaty* and *Potopsco* Rivers, till it come to a Mountain of White-stone, from thence to the main Road to *Potopsco* Ferry, and two marked Pines, written at large on the North side of the said Trees *Baltimore County*, and on the South side *Ann-Arundel County*, from thence W. N. W. to *Elk Ridge* Road to two markt Trees there, thence to *Patuxent* River, and so up the said River to the extent thereof, for the Bounds of *Baltimore* County. All the Tract of Land on the North side of the said Division Lines shall be always taken and reputed to be in *Baltimore* County, and all the Land on the South side of the said Lines to be always reputed in *Ann-Arundel* County.

Courts.

I. *An.* 4. *W. & M.* 1692. *p.* 18. No Commissioner, Sheriff, Deputy Sheriff, Clerk, or Deputy Clerk of those Courts wherein they bear Office, shall plead as Attorneys in their respective Courts, upon the Penalty of 3000 *l.* of Tobacco, one half to the King, the other to the Informer, or he that shall sue for the same in any Court of Record, wherein no Essoin, *&c.*

II. *An.* 4. *W. & M. p.* 19. *St Mary's*, *Baltimore* and *Dorchester* County Courts, shall for the future be held the 1st *Tuesday* in *Septemb. Novemb. January*, *March* and *June* for Orphans; and the 1st *Tuesday* in *August*. For *Ann-Arundel*, *Charles*, *Somerset* and *Cecil* Counties, the second *Tuesday* in the foresaid months for the Orphans, and the 2d *Tuesday* in *August*. For *Calvert* and *Talbot* Counties, the 3d *Tuesday* in the foresaid months for the Orph. and the 3d *Tuesday* in *August*. For *Kent* County the 4th *Tuesday* in the foresaid months for the Orph. and the 4th *Tuesday* in *August*.

III. Every Commissioner that shall not attend at the Courts, so appointed in his respective County, shall be fined 200 *l.* of Tobacco, to be disposed of as the Court then sitting shall think fit, unless such Commissioner make lawful excuse to be allowed by the Court.

IV. Any 2 Commissioners, whereof one of the *Quorum*, meeting as aforesaid, are impowered to adjourn the Court, as to them shall seem meet, and no Suit for want of a full Court shall fall or abate, but shall be continued to the next Court, to be held according to such adjournments as aforesaid.

V. If the first day appointed by this Act for holding the respective Courts, be not time sufficient to dispatch the business depending, the Justices may adjourn from day to day, till the business be finished.

VI. The Commissioners of every County Court may, and ought to hear, judge, and determine any Business depending in the *June* Court between any Persons whatsoever, as well as Orphans Business.

VII. *An.* 7. *W.* & *M.* 1695. *p.* 30. The Justices of the County Court of *Ann-Arundel* County, shall at their next meeting in their County Court adjourn themselves to the Port of *Annapolis*, upon the River of *Seavern* in *Ann-Arundel* County; and at the Court house there keep all the County Courts for the said County for ever hereafter, and the Records of the said County shall be removed to the said Port, and there kept. Also the Church to be built for the Parish in which the said Port is, shall be built within the said Port.

VIII. *An. Dom.* 1697. *p.* 44. The Commissioners of the several Counties within this Province, shall at or before the 10th of *April* next, meet at their usual place of meeting, and contract and agree with the Owners of such Lands, whereon their respective Court House or Houses are erected, whereunto the respective County can lay no just Title or Claim, for so much Land whereon such Court House shall stand (not exceeding 3 Acres) and upon such Agreement take a Conveyance thereof in the name of the King, to the use of the County. Which shall be Recorded in the County Court, and the sum of Tobacco agreed for, levy'd by Assessment on the respective County.

IX. In case such Owner or Owners shall refuse to sell, or be unreasonable in their Demands, or incapacitated

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by reason of Nonage, *&c.* the Commissioners shall cause the Sheriff to impanel a Jury of Feee-holders within their respective Precincts, who at a time prefixt shall appear, and upon their Oaths enquire into the true value of the said Land, and Asses such Recompence for the same, as they shall think fit to award to the Owners. And the return of the Jury shall be made in 2 parts, one to be sent to the Governour and Council, the other to be Recorded in the respective County Court, which shall be a perpetual Bar to the claim of the Owner, his Heirs or Assigns.

X. And the recompence by the Jury so awarded, for and in satisfaction of the Land by them enquired of, shall be by the Commissioners assest and levy'd in such manner as before mention'd and exprest.

XI. The Commissioners shall cause the Surveyors of the respective Counties to Survey, and lay out in the presence of the Jury aforesaid, such Lands as are by them taken up to the use of the County as aforesaid, and bound the same at each Angle with a substantial Locust Post, *&c.* And the Surveyors shall return 2 Certificates of such Survey, with fair Plats of the same, one to the Governor and Council, the other to be Recorded and kept in the County Court as aforesaid.

XII. The Lot whereon the Court House of *Dorchester* County now stands, together with the Tenements thereon, shall be and remain to the use of the County for ever.

XIII. *An.* 11. *W.* 3. 1699. *p.* 49. The Statute Books of *England* to this time, and *Dalton*'s Justice of Peace, shall be bought by the Justices of the Peace or Commissioners of the several Counties at the charge of the respective Counties, to be kept in the several County Courts, that the Justices, Officers and others may have recourse to the same upon occasion.

XIV. The Commissioners of the respective County Courts, shall as oft as they see convenient make and ordain such Rules and Orders for Governing and Regulating the said Courts and Officers of the same, and Suiters, as to them shall seem requisite, and under such fines as they think fit, not exceeding 100 *l.* of Tobacco for one offence, which Fines shall be to the use of the Poor of each respective County. Which orders shall be set up at the Court House door to be publickly viewed.

XV. Where

XV. Where Judgment is had in any County Court, and the Party against whom the Judgment is, flys into another County, the Justices of the Provincial Court shall, upon Certificate of the Justices where Judgment was given, award Execution against the Body or Goods of the Party flying.

XVI. Bills, Bonds, or other Specialties, Book Debts, or Accounts, proved before 2 Justices of the Peace in any County, or one Justice of the Provincial Court, and that the Ballance thereof is wholly due and unpaid, and certified under the Hands and Seals of such Justices, shall be sufficient Evidence in any Court within this Province.

XVII. *An.* 11. *W.* 3. 1699. *p.* 51. All persons that are cast in any Cause shall be amerced (besides the Damages and Costs) in the Provincial Court, 50 *l.* of Tobacco, and in the County Courts 30 *l.* of Tobacco. Of which amercements the Clerk of the Provincial Court, and of the several County Courts, shall keep an exact account, and deliver or send the same to the several Sheriffs, who shall collect the same with the Levy and Destrain in default of payment, *&c.*

XVIII. The Clerk of the respective Courts shall give to the Chief Judge of such Court a List of the amercements in that Court.

XIX. *An.* 11. *W.* 3. *p.* 56. The Commissioners of the several and respective County Courts may, at their Courts (upon examination of the publick Charges of their several Counties, and allowance by them made of the same) levy and raise Tobacco for payment and satisfaction of the said County Charges, and the Sheriffs Sallary for collecting thereof, by an equal Assessment of the taxable persons of the County.

XX. Provided the account of the said County Charge be kept upon Record, and that upon complaint of any person aggrieved, the said Acts shall be examined and certified in the Provincial Court.

XXI. *An.* 11. *W.* 3. 1699. *p.* 67. The Port of *Annapolis* in *Ann-Arundel* County shall be the Chief Seat of Justice within this Province, for holding Assemblies, and Provincial Courts; and all Writs, Pleas, and Process returnable to the Provincial, or to the Court of Chancery, shall be made returnable to the said Port of *Annapolis.*

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Enrollments.

I. *An.* 11. *W.* 3. *1699. p.* 93. No Mannors, Lands, Tenements or Hereditaments within this Province ſhall paſs from one to another, whereby an Eſtate of above 7 years ſhall be made, except the Deed or Conveyance of the ſame be made by writing Indented and Sealed, and the ſame acknowledged in the Provincial Court, or before 2 Juſtices thereof, or in the County Court, where ſuch Lands lye, or before 2 Juſtices of the ſame, and Enrolled in ſuch Court within 12 months after the date, for which Caption the Fee ſhall be 1 *s.* and no more.

II. Where the Grantor or Bargainor lives remote from any the ſaid Courts, he may acknowledge the ſame in the County where he liveth, and a Certificate thereof under the Hand of the County Clerk and Seal of the ſaid County, ſhall be a ſufficient Warrant to the Clerk of the Provincial, or County Court where the Land lyeth, to Enroll the ſame.

III. If any ſuch Grantor or Bargainor ſhall be out of this Province, and within any of his Majeſty's Dominions, ſo as the ſame cannot be acknowledged and Enrolled, as before directed, within the time limited, ſuch Lands ſhall be acknowledged by Letter of Attorney in the Courts aforeſaid, or before 2 Juſtices of the ſame, as aforeſaid.

IV. Every Writing ſo enrolled ſhall paſs the Eſtates therein contain'd, from the Day of Enrollment, and not from the Date thereof. And ſhall be at all times conſtrued moſt favourably for the Grantees, and moſt ſtrongly for the Barring the Grantors, and according to the True intent of the Parties, altho the ſame be not ſo firmly drawn as is uſed in *England*, where the advice of Council may be had.

V. If any Feme Covert be named a Party, ſhe ſhall not be barr'd, unleſs examined privately out of the hearing of her Husband, whether ſhe makes her acknow-

knowledgment willingly and freely, and without threats by her Husband, or fear of his displeasure; which shall be certified upon the Caption, and enroll'd upon Record.

Execution.

I. *An.* 4. *W. & M.* 1692. *p.* 7. No Attachment shall issue out of any Court of this Province without a Summons first made out; upon which, if the Defendant be an Inhabitant within the Province, and the Sheriff return *non est Inventus*, another Writ of Summons shall issue forth, and upon the like return of that also, an Attachment shall then be awarded.

II. If a Writ of Summons be sued forth against any person absent out of this Province, upon the return of *Non est Inventus*, and the Plaintiffs leaving with the Attorney of the absent Defendant a Copy of the Declaration or short Note, expressing the cause of Action (or if he hath no Attorney, then leaving the same at the Defendants last dwelling) and making such proof of his Action as the Court shall think fit, the Justices shall and may award an Attachment against the Goods, Chattels and Credits of the Defendant so not appearing, in the hands of any person whatsoever in this Province, in which Attachment there shall be a clause commanding the Sheriff to Garnish the persons, in whose hands such Goods, *&c.* are Attached; and if at the return of the said Attachment the Defendant shall not appear, nor the Garnishee, to shew cause to the contrary, the respective Courts shall condemn the said Goods, *&c.* and Execution shall be made either by *Ca. Sa.* or *Fi. fa.* or otherwise, as in other Judgments. The Plantiffs giving good security to make restitution if the Defendant shall within a year and a day from the date of the said Attachment appear to the Action, and make out that the Plaintiffs Debt or Demand is paid and satisfied, or otherwise in Court discount or bar the Plantiff of the same.

III. Provided no Sheriff shall levy by way of Execution against any such Garnishee, any more than the Plaintiffs Debt and Cost, nor more than what is made appear to be the Defendants Goods in the hands of the

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Garnishee, together with such Costs as the Garnishee shall put the Plaintiff to in contesting the same.

IV. Provided also, that no Sheriff shall by any Attachment or other Execution, levy, seize, or take the Goods of any Inhabitant of this Province, so far as to deprive him of all lawful Livelihood for the future; but that Corn for necessary maintenance, Bedding, Gun, Axe, Pot, Labourers Tools, and such like, shall be protected from all Attachments and Executions whatsoever.

V. Such as shall be found by proof wilfully to absent themselves in Woods or elsewhere, whereby they cannot be found to be brought to Tryal, and such as shall be absent by Flight, or Proscription, out of the Province, shall have no Benefit by the favourable Interpretation of this Law.

VI. Any person having obtained a Judgment in any Court of this Province, may take out an Attachment against the Goods, Chattels and Credits of the Defendant, in the Plantiffs own hands, or in the hands of any other person whatsoever, with a Clause in the said Attachment for the Sheriff to warn the party in whose hands, at a certain day, to shew cause why the the said Goods, *&c.* should not be condemned, and if no cause be shewn, the said Goods shall be condemned and Execution awarded by *Ca. Sa.* or *Fi. Fa.* or otherwise.

VII. *An.* 11. *W.* 3. 1699. *p.* 51. After the 10th day of *April* in every year, no Execution shall issue out of any Court against the Body or Goods of any Person inhabiting in this Province until the 10th of *October* following, upon any Judgment in any Court of this Province, provided the Defendant and 2 other persons with him shall come before one Justice of the Provincial Court, or Mayor, and any two Aldermen of *St Mary's*, or two Commissioners of *Annapolis*, or 2 Justices of the respective County Court, and confess Judgment for the Debt and Costs adjudged, with stay of Execution till the 10th of *October* next following.

VIII. And if the party be taken in Execution, a Certificate of the confessing such Judgment as aforesaid, shall be a sufficient *Supersedeas* for the release of such person out of Prison, the party paying or securing to the Sheriffs his due Fees.

IX. The

IX. The Justices before whom such Judgment shall be confest, shall return it to the Clerk of the Court where the first Judgment was obtained, to be entred upon Record. And after the said 10th day of *October*, it shall be lawful to take out Execution against the Principal or Securities, without any *Scire facias* or any other delay.

Executors, &c.

I. *An. 7. W. & M. 1699. p. 30.* No Executor or Administrator shall be lyable to pay or satisfie Debts contracted out of this Province, Debts due to the Crown only excepted, before Debts due within this Province shall be paid and satisfied.

II. But if an Executor, *&c.* hath due knowledge and cognizance, upon due Proof, of a foreign Debt of a higher nature, as Statute Merchant, Judgment, Bond, *&c.* and shall have paid Debts of an inferiour nature, not recovered against him by due course of Law, or suffered Judgment to go against him without pleading such Foreign Debt in stay of Judgment, such Executor, *&c.* not having Assets, the Court before whom such Action is brought shall give Judgment against him *de bonis proprijs*, as the Law in that case directs.

III. No Bond, Bill or Obligation under Hand and Seal of any Inhabitant of this Province, that shall not be renewed within 5 years after the taking of such Obligation, and so for every 5 years successively, shall be suable or impleadable in any Court of this Province, Debts due to the King, Bonds given in any Office, Debts due to any person under Age, or of *non sane* Memory, or beyond the Seas, only excepted.

IV. This Act shall not be construed to give any advantage or benefit to persons flying out of this Province, and not returning within 5 years, any thing herein before contained notwithstanding.

Exportation.

I. *An. 6. W. & M. 1694. p. 22.* Any person intending to depart this Province, shall first give notice of the same, by setting up his or her name at the Secretary's Office

Office the full ſpace of 3 months, and if none in that time ſhall underwrite the name ſet up, the Governor, Keeper of the Great Seal, or Secretary of the Province, may ſign a Paſs to ſuch perſon to depart, for which ſhall be paid 2 *s.* 6 *d.* Sterling.

II. If any perſon upon ſudden occaſion is neceſſitated to depart, not having ſet up his name at the Secretary's Office as aforeſaid, he giving good and ſufficient ſecurity to the Governor, Keeper of the Great Seal or Secretary, to diſcharge and pay all Debts and Accounts due from him to any Inhabitant, may have a Paſs.

III. Every Maſter of a Ship or other Perſon whatſoever, that ſhall tranſport or convey out of this Province by Land or Water, any Freeman, being indebted to any Inhabitant thereof, without ſuch Paſs as aforeſaid, ſhall be lyable to ſatisify all ſuch Debts or Damages, except the ſame be otherwiſe ſatisfied, or the Tranſporter or Conveyor of ſuch Perſon procure him to return again in one month after.

IV. And every ſuch Perſon who ſhall tranſport or convey away any Servant by Condition, Wages or Cuſtom of the Country, ſhall be lyable to ſatiſfy the Maſter or Owner of ſuch Servant all ſuch damages for want of ſuch Servant, as the Court where ſuch Cauſe ſhall be tryed ſhall think fit.

V. No Perſon or Perſons inhabiting at the head of the Bay or elſewhere in this Province, ſhall cauſe to be tranſported or conveyed any Perſon over *Suſquehanah* River, or any other part of the Bay above the North ſide of *Saſſafraſs* River, not having Paſſes procured as aforeſaid, or a Certificate under the hands of 2 Juſtices of the Peace, and the County Seal affixed, certifying the freedom of ſuch perſons, on penalty of anſwering all ſuch damages as may happen to Creditors, Maſters or Owners of Servants.

Extortion.

I. *An.* 11. *W.* 3. 1699. *p.* 50. For preventing Extortions in Sheriffs and Deputy Commiſſaries, enacted that no Sheriff, *&c.* ſhall take any Bond or Writing Obligatory, without endorſing the Account on the back of the ſaid Bond or Writing for which the ſame was paſſed, and

and for not so doing, the said Bond or Writing Obligatory shall be void and of no effect, and the Officer that took the same shall for ever be debarr'd of suing any Action for the recovery of the Debt.

II. Whereas Officers are debarr'd from taking Bills upon any pretence whatsoever while they remain in Office, to the end they may receive no damage by the Act of Limitation of Actions, the time the said Officers remain in Office shall not be accounted in the Act of Limitation.

III. No Sheriff shall exact or take more than 20 *l.* of Tobacco *per* day of any Prisoner, tho he lyes for the satisfaction of several Judgments, under the penalty of the Act for settling Officers Fees. *Vid. Tit. Fees.*

Evidence.

I. *An.* 4. *W. & M.* 1692. *p.* 1. All Debts of Record by Judgment, Recognizance, or Deed Enrolled, the Exemplification thereof under the County Seal where the said Judgment was given, or Recorded, shall be sufficient Evidence to prove the same.

II. All Debts by Bonds, Bills, Accounts or otherwise, that shall be sent hither to be put in suit against any person residing with this Province, shall be proved by the Oaths of Witnesses thereunto, by a Notary Publick of the County from which the said Bonds, *&c.* shall be sent, at which time, and before the Notary, the Creditors shall declare upon Oath likewise, that neither the said Debt nor any part thereof is satisfied, and that there is no Account between the said Creditor and Debtor, and that the Creditor hath not given the Debtor any release; all which is to be sent under the Hand and Seal of the said Notary. This, if the Creditor refuses or neglects to perform, the other matter certified by the Notary shall not be received as Evidence to prove the Debt.

III. If an Executor or Administrator sue such Bond, *&c.* he shall in like manner, before such Notary, or other Officer to that purpose appointed, set forth upon Oath whether he hath not heard the Creditor in his life time acknowledge the Debt to be satisfied, or whether upon viewing the Creditors Books or Writings, he hath not seen Credit given to the Debtor since the date of the said Bonds, *&c.* all which in like manner is to be certified by the Notary, and sent with the

Testi-

Testimony of the Witnesses. Which if the Executor, *&c.* refuse to do, the other matters certified shall not be received as Evidence.

IV. Though the Proofs and Evidence are sufficient for the Plaintiff to obtain Judgment, yet no Execution shall issue against the Defendant, till the Original be deliver'd up, or a Release.

V. Every Attorney who prosecutes such Suits shall give Security to pay the Defendant his Costs and Charges in case the Plaintiff be cast.

VI. No Bill, Bond, Judgment, Recognizance, Statute, or other Specialty, tho proved as aforesaid, shall be admitted in Evidence, where the Debtor and Creditor are both dead, and the Debt or thing in Action above 12 years standing.

F.

Fees.

I. *An.* 6. *W. & M.* 1694. *p.* 28. Masters of Ships or Trading Vessels shall at the time of entring such Ship or Vessel, pay to the Governour of this Province 3 *d. per* Tun (Ships *bona fide* built in, or belonging to this Province only excepted) or give Caution for payment thereof.

II. The Naval Officers of this Province shall have and receive the Fees in the Act mentioned, and no more. *For which see the Act at large.*

III. All Small Boats belonging to this Province, under 18 foot in the Keel, shall pass and repass without being obliged to take out Permits. And the Masters of Shallops or open Sloops shall pay to the Naval Officers for Permits the summ of 2 *s.* 6 *d.* yearly, and no more, and give Security to observe the Acts and Laws of Navigation.

IV. Collectors and Naval Officers shall make a fair Table of their Fees, and hang them up in their Offices, under the Penalty of 50 *l.* Sterling to the King.

V. *An.* 11. *W.* 3. 1699. *p.* 83. No Sheriff, Gaoler, Clerk, or Cryer ſhall charge their County or the Publick with any Fees for any Criminals committed to their Charge, having ſufficient Eſtate in this Province to pay the ſame, or being capable to pay by Servitude; but ſuch Criminals being diſcharged by Courſe of Law, ſhall pay their own Fees, either out of their Eſtate, or by Servitude.

VI. This Act ſhall not extend to Malefactors that are Executed, or ſuch as are Baniſhed, having no Eſtate here, nor to Servant Criminals, for whom the County ſhall pay the Fees, due to the Sheriff, Gaoler, *&c.*

VII. All Officers Fees due from Criminal Servants ſhall be paid by the County where the Fact was committed, to be ſatisfied unto the Commiſſioners of ſuch County, by ſuch Servants, after their time of Servitude to their Maſter is expired.

VIII. The Maſter or Miſtreſs of ſuch Servants ſhall at the expiration of their Servants time, deliver up ſuch Servants to the Juſtices, for the uſe of the County, under penalty of paying themſelves the Fees paid by the County, as aforeſaid.

IX. *An.* 11. *W.* 3. 1699. *p.* 104. No Officer or Officers, their Miniſter, Servants, or Deputies, ſhall take any other Fees than by this Act limited to the ſeveral Offices therein mentioned, *viz.* The Chancellour, or Keeper of the Great Seal; the Commiſſary General, or Chief Judge in Teſtamentary Cauſes; the Secretary; the Surveyor General and his Deputies; the Sheriff; the Coroner; Cryer of the Provincial Court; Clerk of the Council, Clerk of the High Court, Clerk of the County Courts; Cryer of the County Courts. All whoſe Fees are particularly and at large ſet down in the ſaid Act. For which ſee the Act.

X. If any perſon refuſe to pay the Fees by this Act allowed, the foreſaid Officers ſhall and may recover the ſame by way of Execution againſt the Goods, Tobacco or Chattels of the perſon refuſing. And if ſuch perſon hath no Tobacco, and ſhall refuſe to diſcover ſufficient Goods to be taken lawfully, ſuch perſons Body may be taken in Execution.

XI. No Officer in this Act mentioned, ſhall Levy any Fees in this Act limited, without delivering a true and juſt account of the Fees by him demanded under his hand 30 days at leaſt before Execution.

XII. In

XII. In case any Officer before mentioned, shall directly or indirectly, act or do, contrary to this Act, he shall Forfeit to the Party grieved treble damages, and also Forfeit 6000 *l.* of Tobacco, or 40 *l.* Sterling, one Moity to the King for the support of the Government, the other to him that shall sue for the same.

XIII. Fees hereafter to be allowed by the Governor and Council, tho not in this Act mentioned, may be recovered as aforesaid.

XIV. This Act to endure for 3 years, or the end of the Session of Assembly, which shall first happen.

Felons, Stealing, &c.

I. *An.* 12. *W.* 3. 1700. *p.* 113. The Justices of the several County Courts, may hold Plea of, adjudge, and determine all Thieving and Stealing of Goods, not being above the value of 1000 *l.* of Tobacco; Robbery, Burglary, and House-breaking excepted.

II. Every person legally convicted of such Stealing by the testimony of one or more sufficient Witnesses, not being the party grieved, shall be punished by paying four fold the value of the Goods so Stolen, to the party grieved, and by putting in the Pillory, and whipping so many Stripes as the Court shall adjudge, not exceeding 40.

III. The Court shall always adjudge the value of the Goods so Stolen as aforesaid.

IV. If the Party convicted have not sufficient Goods, or be a Servant, and so uncapable to pay 4 fold as aforesaid, such Person shall receive Corporal Punishment as abovesaid, and satisfy the 4 fold, and fees of Conviction by Servitude, the time of a Free-man (so destitute of Goods) to commence from the time of Conviction, a Servants time to commence from the end of such servitude, as he is then bound to: The time of service to be adjudged by the Court, either to the Party grieved, or such other person that will pay or secure to be paid the 4 fold and costs.

V. He that shall receive such stoln Goods, take part, or assist in the stealing or concealment, being legally Convicted, shall suffer the same Pains and Penalties with the Party stealing.

VI. The 2d offence of ſtealing above the value of 12 *d.* ſhall not be tryed and determined in the County Court, but the Party ſhall be proceeded againſt in the Provincial Court as a Felon, according to the Laws of *England*, and the tranſcript of his former Conviction. And the preſentment tranſmitted from the County Court, *&c.* under the penalty of 1000 *l.* of Tobacco.

VII. No Perſon ſhall range in Woods or Foreſts after wild neat Cattel or Horſes, without Licence from the Governor in chief, under Penalty of 5000 *l.* of Tobacco for every ſuch wild Creature killed, taken or conveyed away alive or dead, one moiety to the King, the other to the Informer, or he that will ſue for the ſame.

VIII. He that ſhall kill any unmarkt Swine above 3 months old, not upon his own Land, or in company with his own Stock, is hereby adjudged a Hog-ſtealer, and ſhall reſtore 4 fold, and ſuffer Corporal Pains as in this Act above mentioned.

IX. He that ſhall kill unmarkt Swine in the Woods, or others that are markt, and cut off the Ear to conceal the mark, or whether it were markt or not, ſhall be adjudged a Hog-ſtealer, and ſuffer accordingly.

X. If any perſon that hath been Convicted of any of the Crimes aforeſaid, or of other Crimes, or of evil fame, ſhall Shoot, Kill or Hunt upon any Land, where there is a ſeated Plantation, without the Owners leave, having once before been warned, he ſhall forfeit and pay 1000 *l.* of Tobacco, one half to the King, the other to the Party grieved, or thoſe who will ſue for the ſame.

XI. This Act ſhall be publickly read 4 times a year in every Pariſh Church, under the penalty of 1000 *l.* Tobacco to the King for the uſe of ſuch Pariſh, to be paid or recovered of the Clerk or Reader ſo neglecting.

XII. Every Clerk of the ſeveral County Courts, ſhall *ex officio*, deliver up to the ſeveral Pariſh Clerks within their reſpective Counties a fair Copy of this Act for publiſhing as aforeſaid.

Fences.

Fences.

I. *An.* 11. *W.* 3. 1699. *p.* 57. All Fences designed to enclose Corn Ground shall be at least 5 foot high quite round, and well and sufficiently made. And in case any Horse or Cattel break over any such Fence, the Owner of such Horse or Cattel shall be lyable to an Action of Trespass, if the damage shall in the Judgment of 2 indifferent men amount to 200 *l.* of Tobacco; if less, the Owner of the Cattel shall be had before any one Justice of Peace of the County, who shall award such damages as he shall think convenient.

II. If any person wilfully and maliciously burn, pull down, or any ways destroy any Corn Field, Pasture or Orchyard, or any Fence or Fences, and be thereof lawfully convicted, he shall pay treble damages to the Party grieved, as the Justices shall determine, or a Jury award.

III. As often as any Horse, Mare, Gelding or other Beast shall get into any Corn Field or Oat Ground, inclosed with such a Fence before mentioned, the Owner of the Ground shall be obliged to give notice to the Owner of such Beasts, and if he neglect to restrain his Beast, the Owner of the Ground may shoot or kill such Beast or Beasts upon his Possession the third time.

IV. If the Owner of such Beasts shall not be known to the Party grieved or damnified, he or she shall with 2 Witnesses take notice in Writing of the colour, and marks of such Beasts, and set up the same in the most publick place of the County, and if at the end of one month no Owner appears, the party grieved may shoot or kill such Beasts upon his Possession as aforesaid.

H.

Harbours.

I. *An.* 4. *W. & M.* 1692. *p.* 14. No Perſon whatſoever, Inhabitant or Foreigner here, trading in any Ship or Veſſel having a Deck, ſhall unload or caſt out of the ſaid Veſſel any Ballaſt in any Harbour or Creek, and not lay it to the Shoar above High-water mark, under the penalty for every default of 2000 *l.* of Tobacco, one half to the King, to be imployed for the ſupport of the Government, the other to him that ſhall ſue for the ſame.

II. Every Naval Officer within this Province, and Collector, ſhall be obliged at his own coſts to take out a Copy of this Act, ſigned by the Keeper of the Original Tranſcript of the Body of the Laws, and the ſame affix at their reſpective Office Doors, on forfeiture of 2000 *l.* of Tobacco, half to the King, half to the Informer.

Highways.

I. *An.* 11. *W.* 3. 1699. *p.* 56. All publick and main Roads ſhall be cleared and well grubbed, fit for Travelling 20 foot wide, and ſubſtantial Bridges made over all heads of Rivers, Creeks, Branches and Swamps, at the diſcretion of the Juſtices of the County Courts.

II. The Juſtices of the County Courts ſhall ſet down in their Records once every year, what are the publick Roads of their reſpective Counties, and appoint Overſeers, and that no Perſon alter the publick Roads without Licence of the Governor and Council, or Juſtices, upon penalty of 500 *l.* of Tobacco.

III. Every Overſeer neglecting to clear the Roads as aforeſaid, he ſhall be fined 500 *l.* of Tabocco in Cask, every Labourer refuſing to ſerve, 100 *l.* of Tobacco, every Maſter refuſing to ſend his Servants, 100 *l.* of Tobacco for every taxable Servant not ſent,

IV. The

IV. The County-Clerk ſhall iſſue out Warrants to the Overſeer appointed, upon penalty of 1000 *l.* of Tobacco, and the Sheriff ſhall deliver the ſame *ex officio*, upon penalty of 1000 *l.* of Tobacco in Cask, which Fines ſhall be one half towards defraying the publick charges of the County, the other half to him that ſhall ſue for the ſame in the Kings name, *&c.*

V. All Roads that lead to any Ferry, Court-houſe or Church, or through any County to the Port of *Annapolis*, ſhall be markt on both ſides with 2 notches, and where the Road to *Annapolis* breaks off from any other Road, it ſhall be diſtinguiſht on the face of the Tree with the Letters A. A. So alſo the Road in *Talbot* County that leads to the Port of *Williamſtadt*, with the Letter W. The Roads leading to a County Court-houſe, ſhall have 2 notches on the Trees on both ſides of the Road, and another notch a diſtance above the other 2. The Road leading to a Church ſhall be markt with a ſlip cut down the face of the Tree. The Road leading to a Ferry ſhall be markt with 3 notches of equal diſtance. All which is to be performed by the Overſeers.

VI. Where Roads lead through any ſealed Plantation or Fields, the Overſeers with in their reſpective Precincts, ſhall ſet up Poſts to be perceived from one to another, which Poſts ſhall be marked and notched according as afore appointed, and ſo alſo the Poſts of all Gates through which ſuch Roads ſhall paſs.

I.

Importation.

I. *An.* 4. *W. & M.* 1692. *p.* 19. After the Publication of this Act, at every Office and Place where Ships are entred and cleared, the Clerk of ſuch Office ſhall adminiſter an Oath to every Maſter of Ship when he comes to enter, that he ſhall declare whether any Servant on board his Ship be a Felon convict, and if it appears that he hath any ſuch, the ſaid Officer ſhall take good ſecurity of the ſaid Maſter, not to ſuffer ſuch

Felon to be ſold, given or otherwiſe diſpoſed of, in this Province, but ſhall tranſport him again, out of this Province, when his own Ship departs, or before.

II. No Maſter of a Ship, Merchant, Sailer, or other perſon ſhall import into this Province any convicted Felons or other Malafactors, to ſell, or otherwiſe diſpoſe of to any Inhabitant of this Province whatſoever, or to their own Plantations, under the penalty of forfeiting for every ſuch convicted Felon or Malefactor ſo Imported, *&c.* the ſum of 2000 *l.* of Tobacco, half to the King, the other half to the Informer, *&c.*

Indians.

I. *An.* 4. *W.* & *M.* 1692. *p.* 7. Whoſoever ſhall take, entice, ſurprize, tranſport, ſell and diſpoſe of any Friend-*Indian*, or endeavour ſo to do, without Licence from the Governor, and all Acceſſaries thereunto, ſhall be fined and impriſoned at the diſcretion of the Governor and Council.

II. He that Informs of this Offence, or cauſes the Offender or Offenders to be apprehended, ſhall have ſatiſfaction for his Pains, and Indulgence, as the Governor and Council ſhall think fit.

III. *An.* 1698. *p.* 47. The Land in *Dorcheſter* County lying on the North ſide of *Nanticoke* River, beginning at the mouth of *Chickacoan* River, and ſo up to the head of the ſame, and from thence to the head of *Anderton's Branch*, and ſo down the North Weſt Fork to the mouth of the aforeſaid *Chickacoan Creek*, ſhall be to *Panquaſh* and *Annotoughquan*, and the people under their Government, their Heirs and Succeſſors for ever, to be held of the Lord Proprietary of this Province and his Heirs, under the yearly Rent of one Beaver Skin.

IV. Provided, that any perſons who formerly had Grants from the Lord *Baltemore*, of any parcels of Land within the aforeſaid Boundaries, may upon the *Indians* Deſerting or Leaving the ſaid Land, enter, poſſeſs, and enjoy the ſame. And the ſaid Lord ſhall not have or demand any Rent or Service for any the ſaid Tracts or Dividends, as have been taken up as aforeſaid, until the Takers-up ſhall poſſeſs and enjoy the ſame as aforeſaid.

V. *An.*

V. *An.* 11. *W.* 3. 1699. *p.* 75. No person Inhabiting or trading into this Province shall carry any Liquors whatsoever to any *Indian* Fort or Town, or within 3 miles of the same, and vend or dispose the same to any *Indian*, under the penalty of the sum of 5000 *l.* of Tobacco, one half to the King, the other to the Informer, *&c.*

VI. *An.* 12. *W.* 3. 1700. *p.* 115. The persons in the Act named, are authorized and appointed to hear and determine all matters of Controversies and Differences that shall or may happen between the *English* and *Indians*, in private or personal Controversies, not exceeding the value of 20 *s.* Sterling.

VII. The Persons so authorized, if upon hearing and adjudging such difference, either party refuse to perform the same, are empower'd to take into their Custody by way of Distress, the Goods and Chattels of the Offender, and out of the same to make full satisfaction to the party wronged, returning the Overplus.

VIII. If the matter of Difference be of a higher nature, or greater value, then the person or persons hereby authorized shall have Power to hear only, and after examination to transmit the matter to the Governor and Council, whose determination shall be final.

IX. If any such differences shall happen between the *English* and *Indians* in this Province, where particular persons are not appointed to hear and determine the same, the next Justice of Peace is hereby impowered to hear and determine the Difference, according to the method herein prescribed.

X. In case of Death, or absence of any of the persons in this Act nominated, it shall and may be lawful for the Governor to nominate and appoint one or more in his stead.

XI. This Act to endure for 3 years, or to the end of the next Session of Assembly, which shall first happen.

Ingrossers, and Regrators.

I. *An.* 4. *W. & M.* 1692. *p.* 6. Whatsoever person shall Ingross, or get into his possession, within this Province, any Goods or Merchandizes whatsoever, or Servants, to the intent to sell the same again within 6

months,

months, and ſell the ſame within that time for Tobacco, or the ſame ſhall tranſport out of this Province, he ſhall be reputed and taken for an unlawful Ingroſſer and Regrator, and ſhall ſuffer the Pains and Penalties hereafter expreſt.

II. If any perſon offend in the premiſſes, and be thereof duly convict, by Confeſſion, or Oaths of 2 Witneſſes, he ſhall for the firſt Offence ſuffer Impriſonment for 2 months, and alſo forfeit the value of the Goods, *&c.* bought up, and for the 2d offence ſuffer Impriſonment for half a year, and ſhall forfeit double the value of the Goods ſo bought as aforeſaid; and for the 3d offence be ſet in the Pillory in the City, Town, or full County where he inhabits, and forfeit all their Goods and Chattels, and be committed to Priſon for the term of one whole year.

III. The one Moity of all which Forfeitures to be to the King for the ſupport of the Government, the other to the Informer, or him that ſhall ſue for the ſame, *&c.*

IV. Provided, this Act ſhall not debar or hinder any perſon or perſons within this Province to ſatisfie and pay to any Workman or Servant the Hire or Wages due to them, by or out of any Goods or Merchandizes by him or them ſo bought as aforeſaid.

Juries.

I. *An.* 11. *W.* 3. 1699. *p.* 75. The chief Clerk of the Provincial Court ſhall iſſue out ſeveral Writs of *Venire facias* for 2 good and lawful Freeholders to ſerve upon the Grand Jury for the Body of this Province, and ſeveral other like Writs of *Ven. fac.* for 3 like good and lawful men to ſerve on Petty Juries, which Writs ſhall be directed to the Sheriff of every County, who ſhall 20 days at leaſt before the Provincial Court at which the ſaid Juries ſhall ſerve, ſummon the Parties (Juſtices of Peace and Delegates excepted) the Sheriff ſhall for default, forfeit and pay 1000 *l.* of Tobacco, and every party ſummon'd and not appearing, ſhall forfeit 500 *l.* of Tobacco.

II. If a ſufficient number for a Grand Jury ſhall not appear, the number ſhall be compleated by the High-

High Sheriff attending the Court from the By-standers of the same County if any present, if not, of the next adjacent County, who upon refusal shall be subject to the like Fines as aforesaid. And for such service and attendance of the Grand Jury at each Court, they shall be allowed 3000 *l.* of Tobacco out of the publick Revenue for their charges.

III. The High Sheriff of every County shall summon a sufficient number of Free-holders to serve on the Grand Jury in the County Courts at *March* and *November* yearly, and oftner if need be, the said Summons to be made at least 10 days before each Court, for which service the Justices may allow 400 *l.* of Tobacco each Court. Sheriffs neglecting their Duty herein, shall forfeit for every offence the sum of 500 *l.* of Tobacco, and the party refusing to serve when legally summoned shall forfeit 250 *l.* of Tobacco, so also for all Petty Jurymen legally summoned.

IV. All Fines that shall accrue by virtue of this Act, shall be paid to the King for the support of the Government.

V. This Act to endure for 3 years, or to the end of the next Session of Assembly.

L.

Libraries.

I. *An.* 11. *W.* 3. 1699. *p.* 81. The Libraries appointed for the several Parishes in this Province shall be and remain in the Possession of the Minister of the Parish, who shall be obliged to preserve the same from waste and imbezlement, and be accountable for the same to the Government and Vestry, as often as required.

II. The Minister shall pass 2 receipts of the Books, incerting what they are, and the Titles thereof, one receipt to go to the Governor and Council, the other to the Vestry of the Parish, to be recorded. And the Vestries shall

ſhall viſit the ſaid Libraries twice in the year, and in caſe of any damage to cauſe ſatisfaction to be made for the ſame.

III. If any Miniſter ſhall be removed from his charge, he ſhall deliver the Library to the Veſtry of the Pariſh, and make ſatisfaction for any damage or waſte ſuffered, before his departure out of the ſaid Pariſh, except by Fire or ſuch like unavoidable accident.

IV. In caſe of Death of ſuch Miniſter, the Veſtry ſhall immediately take the Library into their Cuſtody and keeping, and paſs their Receipts for the ſame, and ſhall in all points be anſwerrble for the ſame, except Fire, *&c.*

V. Dr *Thomas Bray*, or his Succeſſors, ſhall be chief Viſitors of all and every the Libraries within this Province.

VI. A former Act made 1696. *for ſecuring Parochial Libraries*, repeal'd.

Limitation of Actions.

An. 4. *W. & M.* 1692. *p.* 4. All Actions of Treſpaſs, Detinue, Trover, Replevin, Accompt, Contract, Debt, and upon the Caſe, other than Accompts of Trade between Merchant and Merchant which are not reſidents within this Province, Debt without Specialty, or for Arrears of Rent, all Actions of Aſſault, Menaces, Battery, Wounding, and Impriſonment, ſhall be ſued within the time hereafter expreſt, *viz.* Account, Debt, Detinue, Replevin, and Treſpaſs *quare clauſum fregit*, within 2 years after the cauſe of Action, and not after. Actions on the Caſe for Words, Treſpaſs, of Aſſault, Battery, Wounding and Impriſonment, within one year.

II. In all Actions on the Caſe for Words, if the Jury upon Tryal of the Iſſue, or the Jury that ſhall Enquire of the Damages, do find or aſſeſs the Damages under 40*s.* the Plaintiff ſhall have no more Coſts than Damages.

III. Perſons under the Age of 21, Femes Covert, *Non Compos*, Impriſon'd, or beyond the Seas, ſhall be at Liberty to bring their Action within ſuch time as before limited, after their Impediment removed.

IV. No

IV. No persons absenting themselves out of this Province, or that shall remove from County to County after a Debt contracted, whereby their Creditors may have difficulty of finding them or their Effects, shall have any benefit by the Limitations in this Act specified.

V. Provided, this Act shall not bar any Person removing from one County to another for his conveniency, nor any person leaving this Province, from the benefit of this Act, he leaving Effects sufficient for the Payment of his just Debts, in the hands of some person or persons who will assume the payment thereof.

M.

Marriages.

I. *An.* 4. *W. & M.* 1692. *p.* 20. All persons who shall desire Marraige, shall apply themselves either to a Minister, Pastor, or Magistrate, for the contracting thereof.

II. Publication of intended Marriage shall be made either at the Church, Chappel, County Court or Meeting-house, next where the parties dwell, at such times when the said places shall be full; and upon Certificate from the Minister, Pastor, or County Court, 3 weeks after the said publication, either Minister, Pastor, or Magistrate may join such persons in Marriage. And if any person shall presume to contract Marriage, without such publication, and Certificate thereof, or particular Licence from the Governor, every person so Marry'd shall be liable to a fine of 1000 *l.* of Tobacco, and every Minister, Pastor, or Magistrate so joining any in Marriage, shall be fined 5000 *l.* of Tobacco, one half to the King for the support, *&c.* the other to the Informer.

III. All Marriages not made before some Minister, Pastor, or Magistrate, with 5 sufficient Witnesses at least, shall be null and void.

IV. All

IV. All Minifters, Paftors, and Magiftrates, who according to the Laws of this Province do ufually joyn People in Marriage, fhall joyn them in manner and form as exprest in the Liturgy of the Church of *England*; after which the Minifter, Paftor, or Magiftrate fhall fay, *I being hereunto by Law authorized, do pronounce you lawful Man and Wife.*

V. The Minifter, Paftor, or Magiftrate, may receive from the parties Marry'd, 100 *l.* of Tobacco.

Militia.

I. *An.* 11. *W.* 3. 1699. *p.* 99. Every Collonel, Major or Captain of Foot commiffionated by the Governor, may lift men (not hereafter excepted) between 16 and 60, as they think fit, to be of the Militia or Trainbands of this Province, which perfons fo lifted they fhall mufter and exercife at fuch times and places as they fhall think meet, or as the Governor fhall appoint.

II. Every fuch Collonel, *&c.* fhall give notice upon every Training to every Perfon fo lifted, to appear at fuch time and place as he fhall appoint, and if any man after fuch notice fhall neglect to appear, or to bring with him a ferviceable Gun with 6 fhoots of Powder, he fhall for every fuch offence, if a Freeman, forfeit 100 *l.* of Tobacco; if a Servant, the Mafter, Miftrefs or Overfeer to pay the like fumm for fuch Servant, for the ufe of the Foot Company, to purchafe Drums and Colours, *&c.* Provided no Officer fhall prefs Arms or Ammunition for any further fervice than Training, but upon all fuch occafions they fhall be fupplied out of the County Magazine. All which forfeitures fhall be adjudged and levy'd by the Collonel, Major or Captain of any Foot Company.

III. A Captain of Horfe in each County fhall lift his number of Men out of the Inhabitants of the faid County, according to the Inftructions fent him by the Governor. Troopers fhall ride their own Horfes, every Trooper fhall have a ferviceable Horfe which fhall pafs mufter, fhall find himfelf with fufficient Furniture, Sword, Carbine, Piftols, Holfters and Ammunition; if he fhall neglect to appear upon notice given (as aforefaid to the Foot) accoutred as aforefaid, he fhall forfeit the fum of 100 *l.* of Tobacco,

to

to be levy'd as aforesaid to the use of the Troop, to purchase Trumpets and Colours, *&c.* All Troopers when out on Muster shall find their own Provisions, but when in actual service, to be found at the charge of the Publick. If a Troopers Horse be kill'd in the service, he shall be paid it for by the Publick.

IV. All Persons in Holy Orders, Delegates, Magistrates and Constables, shall for their own Persons be exempted from Musters, for such time as they officiate or bear Office, except such Persons as have or shall accept of Commissions from the Governor for Military service. This clause not to exempt any Delegates, Magistrates or Constables from sending to Musters upon due nocice, some other Person or Persons in his or their stead or places, upon forfeiture as aforesaid. All Negroes and Slaves shall be exempted the duty of Training and Military service.

V. The pay shall be to a Collonel of Foot 2000 *l.* of Tobacco *per* Month, to a Major of Foot 1200, to a Captain of Foot 1000, to a Lieutenant 700, an Ensign 600, a Serjeant 400, a Corporal 400, a Drummer 400, and to every private Soldier 300 *per* month. To a Major General 3000 *per* month. to a Collonel of Horse 2300 *per* month, a Major of Horse 1500, a Captain of Horse 1300, a Lieutenant 1000, a Cornet 900, a Quarter Master 700, a Corporal 700, a Trumpet 700, and to every private Trooper 600 *per* month. Computed according to the Calender.

VI. All Soldiers Pay as aforesaid shall be paid and defrayed by a publick Levy and equal Assesment upon the Taxables of this Province, by consent of the General Assembly, and not otherwise.

VII. The Commissioners of every County shall yearly, between the 29th of *Sept.* and 25th of *Decemb.* appoint two substantial men of their respective Counties to be Press-masters for the year ensuing, that if occasion requires, they and no other shall impress Victuals or other things, by Warrant from the Governor. And if any other but those so appointed, presume to seize, press or carry away any Goods or Commodities of any the Inhabitants of this Province, he shall Forfeit to the Party grieved treble the value. Provided no Press-master or any Person whatsoever shall Seize, Press, or carry away any Arms or Ammunition

upon

upon any account whatsoever, under the Penalty aforesaid.

VIII. The Commissioners of any County Court, who shall not within the times abovesaid, yearly appoint Press-masters for their respective County, shall each of them forfeit to the King 500 *l.* of Tobacco. And such Press-master who shall be so appointed, and refuse or neglect truly to execute the said Office, shall forfeit and pay to the King 500 *l.* of Tobacco.

IX. The Booty, Prizes, Pillage or Plunder for any *Indian* seized or taken Prisoner in time of War, shall be equally divided and destributed amongst the Soldiers who adventured in the service.

X. A Soldier that shall in any War in defence of this Province, happen to be maimed or disabled to get a livelihood, shall according to his disability, receive a yearly Pension out of the Publick Levy. And every Person slain in the service of this Province, leaving Wife and Children, his Wife shall be allowed a competent pension during Widowhood, and the Children till able to get their living; to be paid out of the 50000 *l.* of Tobacco *per an.* The party petitioning for such Pension and Allowance, procuring a Certificate from the County Court, *&c.*

XI. If upon any Foreign Invasion, any Person whatsoever (except before excepted) that shall be a listed Soldier in this Province, and upon command of his Officer, being a Captain at the least, refuse to appear and serve in Arms, he shall upon Certificate of the same to the next Justice of Peace of the County where the Party liveth, be apprehended, and brought before that or some other Justice, to whom, if he cannot make a reasonable and sufficient excuse for such his refusal or non-appearance, he shall be committed, or bail'd to appear at the next Provincial Court, and if there he be convict of obstinate obstinate refusal or disobedience as aforesaid, he shall be fined and imprisoned according to the directions of the Justices of the said Court.

XII. The Governor and Council during the Intervals of Assembly, may Asses the small charge of this Province, equally to be levy'd upon all the Inhabitants thereof. Provided the sums for the said small charges so to be assest, exceed not in any one year the summ of 50000 *l.* of Tobacco. And the disbursements of the

same

ſame to be accounted for at the next General Aſſembly.

XIII. Souldiers employ'd in any publick Service, ſhall be paid in the Counties where they live.

XIV. This Act to endure for 3 years, and to the end of the next Seſſion of Aſſembly after the ſaid 3 years.

Mills.

I. *An.* 11. *W.* 3. 1699. *p.* 85. Any Perſon deſiring to ſet up a Water-Mill upon any run of Water, not being the Poſſeſſion or Freehold of ſuch Perſon, may purchaſe Writ out of the Court of Chancery, directed to the Sheriff of the County where ſuch Land lieth, requiring him by the Oaths of 12 men of his County, to enquire what damage it would be to the King, or others, to have a Mill ſet up in ſuch a Place as aforeſaid, *&c.* (the form of which Writ is expreſt in the Act at large.)

II. Upon the return of which Writ, in caſe the Owner of the Land ſhall refuſe to build a Mill thereon, or give ſecurity ſo to do within a year, and finiſh the ſame within 2 years, for the publick good of the Province, the King, or Governor for the time being, may grant 20 Acres (*viz.* 10 Acres on one ſide of the Run, and 10 on the other) fit to build a Water-Mill upon, with free egreſs and regreſs to the ſaid Mill, together with Liberty to fell any Timber for building the ſame, other than Board Timber fit for Clapboards, for any time not exceeding 80 years, under the yearly Rent of the Lands, as found by the 12 men, by vertue of the Writ aboveſaid, to be paid to the Owner of the Land.

III. Provided that before any perſon ſhall have ſuch Grant, he ſhall give Bond to the King, with 2 ſufficient ſureties, in the ſum of 50000 *l.* of Tobacco, conditioned to begin to build the ſaid Water-Mill within one year, and finiſh the ſame in two years next following.

IV. All and every perſon and perſons who have already built Mills as aforeſaid, ſhall and may have ſuch Writ of Enquiry, and ſuch Grant as aforeſaid, any Law or Uſage to the contrary notwithſtanding.

V. No perſon that hath obtained, or ſhall hereafter obtain any Grant of Lands whereof ſuch perſon is not

the real Owner or Posseſſor, and hath or ſhall build a Mill thereon, ſhall have any Right or Title to ſuch Land after ſuch Mill ſhall be caſually broke or gone to decay, other than 2 years for the new Building, or repairing the ſame. And if he doth not repair it in that time, the real Owners of the Land may re-enter upon the ſame, or recover the ſame by Ejectment or otherwiſe according to Law.

VI. No Miller or other perſon belonging to any Mill ſhall receive for grinding any *Indian*-Corn, or Wheat, above the 6th part of every Buſhel of *Indian*-Corn, and 8th part of every Buſhel of Wheat, upon penalty of Forfeiting 1000 *l.* of Tobacco to the King.

VII. Any perſon that hath begun to build a Mill, upon incouragement of any former Act hereby repealed, ſhall have the ſame advantages as if the Act were ſtill in force.

N.

Naturalization.

I. *An.* 7. *W.* & *M.* 1695. *p.* 32. The Fees to be taken by the Clerks and Officers belonging to the Aſſembly, for Naturalization, ſhall be allowed and adjudged by the reſpective Aſſemblies when ſuch perſons are Naturalized. And no perſon ſhall exact more, under the penalty of 2000 *l.* of Tobacco, half to the King, and half to the party grieved.

Negroes.

I. *An.* 4. *W.* & *M.* 1692. *p.* 2. Where any Negro or Slave, being in Servitude or Bondage, is or ſhall become Chriſtian, and receive the Sacrament of Baptiſm, the ſame ſhall not, nor ought to be deemed, adjudged, or conſtrued to be a Manumiſſion, or freeing of any ſuch Negro or Slave, or his or her Iſſue, from their Servitude or Bondage, but that notwithſtanding they ſhall at

at all times hereafter be and remain in Servitude and Bondage as they were before Baptism, any opinion, matter or thing to the contrary notwithstanding.

O.

Office and Officers.

I. *An.* 4 *W.* & *M.* 1692. *p.* 10. Justices of the Peace in every County, at the first Court after *Michaelmas*, shall appoint some Inhabitant in every Hundred or Precinct, who shall in all things have the like Power as a Constable hath in a Hundred or Precinct in *England*, and shall take the Oath of Allegiance, and the Oath of a Constable. If the party appointed shall refuse to serve or be sworn, he shall forfeit 500 *l.* of Tobacco, one half to the King, the other to the Church-Wardens of his Parish, or suffer 2 months Imprisonment.

II. If any person appointed to be a Justice of Peace, Sheriff, or Coroner, within this Province, by the Governor, shall refuse to execute the Office, or to take the Oaths, he shall Forfeit to the King 1000 *l.* of Tobacco, or 4 months Imprisonment.

III. Whoever shall be summoned to serve as a Juror, and refuse to serve (not being by any other Office exempted) shall Forfeit to the King 500 *l.* of Tobacco, or 2 months Imprisonment.

IV. Whoever shall be summoned and required to serve as a Witness, and refuse to testifie upon Oath, shall Forfeit to the King 500 *l.* of Tobacco, or suffer 2 months imprisonment. This Clause shall not extend to Quakers.

V. This Act shall not extend to the prejudice of any Lords of Mannors, as to their Priviledges of appointing Constables in their Mannors.

VI. Any Person dissenting from the Church of *England*, being chosen or appointed to bear the Office of High Constable, Church-Warden, or any other Parochial Office, may execute the same by his sufficient Deputy, that shall comply with the Laws on that behalf, &c.

Ordinaries and Inns.

I. *An.* 11. *W.* 3. *1699. p. 79.* The Commissioners of each County Court, and the Mayor, Recorder and Aldermen of the City of *St Mary's*, are impower'd to grant Licences to such Persons as they think fit to keep Ordinaries and to be Innholders, within their several Counties, for which Licence the Party Licenced shall be bound to pay to the Secretary of this Province, if he keep an Ordinary within the Port of *Annapolis*, or within 2 miles thereof, the sum of 2000 *l.* of Tobacco yearly as a fine. Or if he keep Ordinary in the City of *St Mary's* or at *Williamstadt*, or at any County Court House, the sum of 1200 *l.* of Tobacco. Or if in any remote parts, the sum of 400 *l.* and no more.

II. The Clerk of the Respective County Courts, and of the Mayors Court at *St Mary's*, shall cause such Licences, and Fines, and Securities for the same to be entred upon Record, and the Bonds to be transmitted to the Justices of the Provincial Court. For which every Ordinary-keeper shall pay to such respective Clerk 60 *l.* of Tobacco, and no more.

III. The Commissioners of the County Courts, and Mayor, *&c.* before mentioned, shall in the months of *January* and *August* every year, assess the Rate or Prizes of all Liquors (not in this Act after mentioned) by Ordinary Keepers to be vended, which Rates so assest shall be set up at the respective County Courts; and in the Ordinary-keepers Houses, under the penalty of 1000 *l.* of Tobacco. And every Ordinary-keeper, who after the assessing the Rates as aforesaid, shall take or demand more than allowed, shall for every such Offence Forfeit and Pay the sum of 500 *l.* of Tobacco, one half to the King for the use of the County, the other to him that shall sue for the same; and also lose the Debt so unjustly demanded.

IV. Every Ordinary-keeper that shall demand or take above 10 *l.* of Tobacco for a Gallon of Small Beer, 20 *l.* of Tob. for a Gallon of Strong Beer, 4 *l.* of Tob. for a nights lodging in a Bed, 12 *l.* of Tob. for a Peck of *Indian* Corn or Oats, 6 *l.* of Tob. for a nights Grass for a Horse, 10 *l.* of Tobacco for a nights Hay or Straw, shall for-

forfeit for every such Offence the sum of 500 *l.* of Tob. half to the King, half to him that shall sue, *&c.*

V. Every Ordinary-keeper or Innholder shall within six months after Licenced, provide and maintain (if living at a County Court house, or at *Annapolis* or *Williamstadt*) 12 good Beds more than for his own Family's use, with Stabling and Provision for 20 Horses at least. And if such Ordinary be kept in any other part of the County, then he shall be provided with 4 Spare Beds, and Stabling and Provision for 6 Horses at least, under the Penalty of 500 *l.* of Tobacco, as aforesaid. Provided no Ordinary-keeper shall be a Justice of Peace, or Commissioner in any County Courts, or Mayor, Recorder, or Alderman of *St Mary's*, during the time of their keeping Ordinary.

VI. If any Ordinary-keeper keep evil Rule in his House, the Justices of the County Court shall, upon complaint, call in his Licence and suppress him.

VII. He that keeps Ordinary without Licence, or after he hath been supprest, shall forfeit 2000 *l.* of Tobacco for every month, one half to the King, the other to him that shall sue for the same.

VII. No Inhabitant of this Province shall sell without Licence any Syder, Quince Drink, or other strong Liquor, to be drunk in his or her House, upon penalty of 1000 *l.* of Tobacco for every conviction, half to the King, half to the Informer.

IX. No Ordinary-keeper shall refuse to credit any Person capable of giving a Vote for election of Delegates in any County, for any accommodations by him vended, to the value of 400 *l.* of Tobacco, under the penalty of 400 *l.* of Tobacco, one moiety to the King, the other to the Informer.

X. No Ordinary-keeper or Inn-holder shall keep a House of Entertainment, till he hath given Bond before the Justices that grant the Licence of 20 *l.* Sterling, not to entertain any Freeman or loose Person above 24 hours, unless such Person be capable of voting for a Delegate, or is the Servant of the said Ordinary-keeper.

XI. The Justices of the Provincial Court and Commissioners of County Courts, shall give this Act in charge to the respective Constables to enquire into the Breach of the same. This Law to continue for 3 years,

 or

or to the end of the next Seſſion of Aſſembly, which ſhall firſt happen.

P.

Perjury and Subornation.

I. *An.* 4. *W. & M.* 1692. *p.* 11. If any Perſon whatſoever ſhall procure any Witneſs to commit wilful and corrupt Perjury in any of the Courts of Record in this Province, or corruptly procure any Witneſs to teſtify *in perpetuam Rei memoriam*, ſuch Perſon being thereof lawfully Convicted, ſhall forfeit the ſumm of 40 *l.* Sterling, and if he hath not Eſtate to the value, then to ſuffer Impriſonment for one whole year, and ſtand upon the Pillory for one hour.

II. No Perſon ſo Convicted ſhall be admitted and ſworn as a Witneſs, until ſuch Judgment given againſt him ſhall be reverſt; and upon ſuch reverſal the Party grieved ſhall recover his damages againſt thoſe that procured the ſaid Judgment.

III. If any Perſon commit any wilful Perjury in any Court of Record in this Province, or being examined *in perpetuam rei memoriam*, and be thereof duly Convicted, he ſhall forfeit 20 *l.* Sterl. and ſuffer Impriſonment the ſpace of 6 months. And the Oath of ſuch Perſon ſhall not be recieved in any Court of Record, till the Judgment againſt him ſhall be reverſt, upon which Reverſal the Party grieved ſhall recover his damages as aforeſaid. And if the Offender hath not an Eſtate to the value of 20 *l.* then he ſhall be ſet on the Pillory, and have both Ears nail'd, and be thenceforth diſcredited and diſabled to be ſworn in any Court of Record, until the Judgment be reverſt, upon which the Party ſhall recover damages as aforeſaid.

IV. One Moiety of the ſaid Forfeitures ſhall be to the King, for the ſupport of the Government, the other to the Party grieved.

V. If any Perſon duly ſerv'd with Proceſs, to teſtify in any cauſe depending in any Court relating to the Premiſes,

miſes, and having a reaſonable ſum of Money or Tobacco tender'd for his charges, ſhall not appear, having no reaſonable let or impediment, ſuch Party making default, ſhall forfeit for every ſuch Offence 10 *l.* Sterl. and yield to the Party grieved ſuch further Recompence as the Court out of which the Proceſs came ſhall award. The ſaid ſeveral ſums to be recovered by the Party grieved by Action, of Debt, *&c.* in any Court of Record, wherein do Eſſoin, *&c.*

Pyrates.

I. *An.* 11. *W.* 3. *1699. p.* 102. It ſhall be Felony for any Perſon inhabiting or belonging to this Province, to commit an Act of Hoſtility, by Commiſſion from any Foreign Prince, State or Potentate, againſt any other Foreign Prince, State or Potentate in Amity with his Majeſty, and every ſuch Offender being thereof legally convicted in the Provincial Court, ſhall ſuffer Death without Benefit of the Clergy. This Act not to extend to ſuch as have been in Foreign Service, and left the ſame before the 10th of *May* laſt, and given ſecurity for their future good Behaviour.

II. All Treaſons, Felonies, Pyracies, Robberies, Murthers or Confederacies committed at Sea, or in any River, Haven, Creek or Bay, ſhall be inquired of, tryed or adjudged in this Province, in ſuch like form as if the Offence had been committed on the Land. And to that end, Commiſſions ſhall iſſue under the Great Seal of this Province, directed to the Judge of the Admiralty, and ſuch other Perſons as ſhall be thought meet, which ſaid Commiſſioners ſhall have Power to proceed as the Commiſſioners appointed by virtue of the Stat. 28 *H.* 8. *ch.* 15. are empower'd to do within the Kingdom of *England.*

III. Every Perſon who ſhall knowingly Entertain, Conceal, Trade or Correſpond with any Perſon that ſhall be adjudged to be a Privateer or Pyrate, or other Offender within this Act, and ſhall not endeavour to apprehend ſuch Offender, ſhall be lyable to be proſecuted as Acceſſary and Confederate.

IV. All Commiſſion Officers in their ſeveral Precincts are impower'd and requir'd upon notice given, to raiſe and levy ſuch number of armed Men, as ſhall be thought

needful, for apprehending and carrying to Gaol all and every such Privateers, Pyrates and suspected Persons, and in case of resistance, to kill or destroy the opposers, and they so resisting shall be deemed and adjudged as Felons without benefit of Clergy. Every Officer that shall omit or neglect his Duty herein, shall forfeit 30 *l.* Sterling for every offence, half to the King towards the support of the Government, the other half to the Informer. And such as refuse to repair with Arms as appointed by their Officer, shall be fined or punisht as the Justices shall think fit.

Ports.

I. *An. 6. W. & M. 1694. p. 26.* The Town Land at *Seavern* in *Ann Arundel* County, where the Town was formerly, and the Land at *Oxford* in *Talbot* County, where the Town was formerly, shall from henceforth be Towns and Ports, where all Ships may come for entring and clearing, for which end a Collector and Naval Officer shall constantly reside at the said places.

II. The Commissioners in the Act named for each respective Town aforesaid, shall meet together upon the respective Lands, and there treat with the Owners and Persons interested in the said Lands, and buy of them 100 Acres (least prejudicial to the Owners) which shall be marked and staked into convenient Streets, Lanes and Allies, with spare places to build a Church, Market-house, *&c.* The remaining part of the said 100 Acres to be divided into 100 equal Lots, to be destributed as the Act at large directs.

III. In case any Person or Persons shall refuse to make Sale of the Lands before mentioned, or be disabled to sell by reason of non-age, Coverture, *nonsane* Memory, *&c.* then the Commissioners shall cause to be impanell'd a Jury of Free-holders, who being sworn, shall enquire and assess such damages and recompence as they shall think fit, to award to the Owners and Persons interested in the Lands; and what Sum of Tobacco the said Jury shall adjudge the Land to be worth, shall be paid to the Owners and Persons interested, by such Persons as shall take up the said respective Lots proportionably. And the said Commissioners shall cause the Surveyor General,

neral, or Surveyor of the County, to Survey and lay out the said 100 Acres, and when the same is laid out and valued as aforesaid, whosoever shall take up, make entry of, and pay such sum of Tobacco as shall be rated upon any such Lot, and build a dwelling House thereon of 20 foot square, within a year after, shall by virtue thereof have an Estate of Inheritance in the said Lot, paying to *Charles*, Lord Baron of *Baltimore*, Lord Proprietary of this Province, his Heirs and Successors, 1 *d.* current Money for each respective Lot.

IV. Any Person that shall Build or Inhabit in such Port or Town, and owes any sum of Tobacco, and will pay the same in such Town, shall be allowed 10 *per cent.* for every Hogshead of 400 weight, to be deducted out of the Debt.

V. All Persons that have heretofore built upon any Lots taken up in either of the foresaid Towns, by virtue of any former Law, shall have and enjoy therein an Estate of Inheritance, under the Rents herein mention'd, and the Lots so built shall be deemed part of the 100 Lots aforesaid.

VI. At the Town and Port of *Seavern* in *Ann-Arundel* County, that parcel or neck of Land within *Levyneck* Cove and *Acton* Cove, adjoyning to the said Town, shall be bought or valued by the Jury, paid for, and fenced in at the publick charge, as a Common of Pasture for the publick Use and Service.

VII. *An.* 7. *W.* & *M.* 1695. *p.* 31. The Town Land at *Oxford* in *Talbot* County, shall be again Surveyed and laid out before the Commissioners in the foresaid Act mention'd, bounding the same at low Water mark including the Island, and so to the old Tree at the Southermost part of the neck.

VIII. And in the said Town and Port, as also at *Ann-Arundel*, places shall be laid out and reserved for the Building Ships and other Vessels. And the Officers of the Lord Proprietary for recieving his Duties, shall be obliged by themselves or Deputies, to reside at the said Towns and Ports, for the dispatch of Ships and other Vessels entering and clearing at the said Ports.

IX. The Port of *Ann-Arundel* shall for the future be call'd *Annapolis*, and the Port of *Oxford* shall be called *Williamstadt*; to which last 100 Acres of Land adjacent

to

to the Town ſhall be purchaſed for a Common of Paſture for the benefit of the ſaid Town, *&c.*

Poſt and Letters.

I. *An.* 11. *W.* 3. *1699. p.* 55. The Sheriff of each reſpective County ſhall take care of all publick Letters and Packets, and convey them expeditiouſly to the Sheriff or under-Sheriff of the next adjacent County, for which the ſeveral Sheriffs ſhall be allow'd the following ſums, to be laid in the publick levy of this Province, *viz.*

II. To the Sheriff of *Ann-Arundel* County 1500 *l.* of Tob. to the Sheriff of *Talbot* County 1500 *l.* of Tobacco. To the Sher. of *Kent* County 800 *l.* of Tobacco. To the Sher. of *Cecil* County 1000 *l.* of Tobacco. To the Sher. of *Dorcheſter* County 800 *l.* of Tobacco. To the Sher. of *Somerſet* County 500 *l.* of Tobacco. To the Sheriff of *Calvert* County 800 *l.* of Tobacco. To the Sheriff of Prince *George*'s County 1000 *l.* of Tobac. To the Sher. of *St Mary*'s County 800 *l.* of Tobac. To the Sher. of *Charles* County 1000 *l.* of Tob. To the Sher. of *Baltemore* County 800 *l.* of Tobacco. All which to be annually allowed to the ſeveral Sheriffs aforeſaid for their charges in conveying ſuch Letters and Packets as aforeſaid.

III. Any Sheriff, Under-Sheriff or Deputy, that ſhall neglect or delay the ſpeedy conveying ſuch Letters, *&c.* ſhall forfeit to the King for every ſuch Offence 500 *l.* of Tobacco, *&c.*

IV. All publick Letters and Packets ſhall be indorſed *for his Majeſties ſervice*, with the Perſons name that ſends them. And if any Perſon ſhall indorſe any Letter in ſuch manner, that is not for the Public Service, he ſhall forfeit 500 *l.* of Tobacco.

Proceedings at Law.

I. *An.* 4. *W. & M. p.* 5. All Bills, Plaints, Proceſs, Proceedings, Cauſes, Matters and Things whatſoever, commenced or depending in any Court of Law or Equity, or in the Court for Probat of Wills, ſince the 1ſt of *April* 1690. ſhall be good, notwithſtanding any errors

errors therein by discontinuance or otherwise by the late Troubles.

II. Provided no Person shall take any benefit of this Act for any error or mistake in any Process, Pleas or other proceedings not occasioned by the said late troubles.

III. The 2 last years, *viz.* from 1690 to 1692, shall not be accounted, concluded and meant in the Statute of Limitations for payment or demand of Debts, or in the clause for returning of Certificates upon Land granted, or suing out Patents for Lands, but in those and such like cases the said years shall be passed by, and not counted for years thereby meant or mentioned.

IV. *An.* 6. *W. & M.* 1694. *p.* 24. All Actions, Suits, Causes and Proceedings in all Courts within this Province shall be taken and reputed as valid in Law or Equity to all intents and purposes, as any other Judicial Proceedings, and all Officers Military and Civil are confirmed, established and ratify'd, for, in, or by reason of any legal acting or proceeding in their respective Offices and Stations, from the Access of Sir *Edmund Andross*, Knight, to the present Governour *Francis Nicolson*, Esq; his arrival, any Clause, Imperfection, or want of Authority in the said Sir *Edmund Andross* or his Commission notwithstanding.

V. Provided nothing in this Act shall justify the said Sir *Edmund Andross*'s taking and disposing of the Publick Revenues, or debar the Assembly or any other Person of their Right or Claims to the same.

VI. *An.* 11. *W.* 3. 1699. *p.* 69. No County Court shall hold Plea of any Action upon Bond, Bill, Assumption, Reckoning or Account, where the Debt or Damages doth not exceed the sum of 200 *l.* of Tobacco, or 16 *s.* 8 *d.* in Money: but in all such cases it shall be lawful for any one Justice of Peace in the County where the Debtor resides, to hear and determine the matter, and to administer Oaths as occasion shall require; and upon full hearing, to proceed as the nature of the case shall require, whose determination shall be final.

VII. All which the said Justice shall do without fee or reward; and if the Party against whom Judgment shall be given, shall refuse or delay to pay such Debt as shall be awarded against him, the said Justice shall award Execution against him by *fi. fa.* or *Ca. sa.* directed to the

the Sheriff of the County, who ſhall immediately execute the ſame *ex Officio*, ſaving to ſuch Sher. his fees of Impriſonment, if the Party remain in priſon 24 hours.

VIII. In all Actions brought in the County Court, if upon Tryal it doth appear, that the juſt Ballance doth not exceed 200 *l.* of Tobacco, or 16 *s.* 8 *d.* in Money, the Plantiff ſhall be nonſuited.

IX. If any Action be brought in the Provincial Court of this Province, and upon Tryal it doth appear to the Court, that the juſt Balance is under 1500 *l.* of Tobacco, or 6 *l.* 5 *s.* in Money, the Plantiff ſhall be nonſuited.

X. The High Court of Chancery in this Province ſhall not hear, determine, or give relief in any cauſe wherein the Original Debt or Damages doth not amount to the ſum of 1201 *l.* of Tobacco, or 5 *l.* 1 *d.* in Money, but that the Judgments in the County Courts of this Province for 1200 *l.* of Tobacco, or 5 *l.* in Money ſhall be final.

XI. *An.* 11. *W.* 3. 1699. *p.* 84. No perſon whatſoever, his Executors, or Adminiſtrators, Living or Trading into this Province, ſhall for any Debt owing to him by Account, Book or otherwiſe, for which the Debtor hath not paſt his Hand and Seal, ſue ſuch Debtor for any ſuch Debt, unleſs he firſt demand and require the ſame of the ſaid Debtor, to prove which demand the Creditor or Demandants own Oath ſhall be ſufficient.

XII. If the Debtor be not at home to be ſpoke with, then the Demandant ſhall leave a note under the Hand of the Creditor, or thoſe he impowers; and if thereupon the ſame be not paid, then it ſhall be lawful for ſuch Creditor to ſue the Debtor, and recover againſt him ſuch Coſt and Damages as ſhall be adjudged upon Tryal.

XIII. In caſe any perſon ſhall ſue and implead ſuch Debtor contrary to this Act, he ſhall loſe his Coſts of Suit, and ſatisfie to the Debtor ſuch Damages as ſhall accrue to him by ſuch Suit.

XIV. Provided, this Act ſhall not extend to the Benefit of any Debtor either run away out of the Province, or wilfully abſconding himſelf from his Creditor, but ſuch may be proceeded againſt as before this Law made.

XV. An

XV. An account ſworn by the Plaintiff, or a Bill proved before any Juſtice of the Provincial Court, or any two Juſtices of a County Court, ſhall be ſufficient Evidence to prove Debts in any Court within the Province, provided that the party who proves the Debt as aforeſaid, ſhall at the ſame time declare upon Oath, whether he knows of any payment or diſcount of any parcel of the Debt or Account ſo proved: Which ſhall be rectified under the Hands of ſuch Juſtices as aforementioned.

XVI. If any Defendant at the Tiyal can prove either by Certificate as aforeſaid, or otherwiſe, that any ſum of Tobacco or Money hath been paid to the Plaintiff or his Order, in part of the Debt ſued for, the ſame ſhall be diſcounted, and the Court ſhall give Judgment for ſo much only as remains due, with Coſts of Suit. Provided the Ballance exceeds 200 *l.* of Tobacco, or 16 *s.* 8 *d.* in the County Courts, and 1500 *l.* of Tabacco, or 6 *l.* 5 *s.* in the Provincial Court, otherwiſe the Plaintiff ſhall be Non-ſuited. *Ut ſupra, N.* 8, 9.

Publication of Laws.

I. *An.* 4. *W. & M.* 1692. *p.* 5. All Acts that ſhall paſs in this and all ſucceeding Aſſemblies, ſhall be fairly tranſcribed in Parchment, and by Writ under the Great Seal of this Province paſſed by the Chancellour, to the Sheriff of every County tranſmitted, with Commandment for them to proclaim and publiſh the ſame in their ſeveral reſpective Counties.

II. Every County ſhall pay to the Chancellour for ſuch Tranſcript of the Laws, ſo much Tobacco as the General Aſſembly in which ſuch Laws were made, ſhall aſſeſs and allow.

R.

Recognition.

An. 4. *W. & M.* 1692. *p.* The Title of K. *William* and Q. *Mary* Recognized.

Re-

Religion.

I. *An.* 12. *W.* 3. 1700. *p.* 109. The Book of Common Prayer and Administration of the Sacraments, with other Rites and Ceremonies of the Church of *England*, &c. shall be solemnly read by all Ministers in the Churches and other places of Worship in this Province.

II. For the Encouragement of able Ministers to come and reside in this Province, instead of Tithes, a Tax or Assessment of 40 *l.* of Tobacco *per* Pole, shall be yearly levy'd upon every Taxable person in every Parish in this Province. Which said Assessment shall always be paid to the Ministers of every Parish in manner hereafter express'd.

III. Every such Minister shall appoint and keep a Clerk of his Parish Church, and pay to such Clerk the sum of 1000 *l.* of Tobacco yearly, out of the said 40 *l.* *per* Pole.

IV. No Minister, Priest, or Magistrate, shall joyn any persons in Marriage, contrary to the Table of Marriages appointed to be set up in every Parish Church in this Province; Nor shall any persons forbidden to marry by such Table, presume to be joyned in Marriage, under the Penalty of 5000 *l.* of Tobacco, upon the Minister, Priest, or Magistrate, joyning, and the like Penalty upon the persons joyned in Marriage, to be paid to the King, to the uses in this Act hereafter mentioned.

V. In every Parish, where any Minister or Incumbent shall reside, no Justice or Magistrate shall joyn any persons in Marriage, under the penalty of 5000 *l.* of Tobacco to the King.

VI. Every Minister may recieve of every person or persons by him marryed, the sum of 5 *s.* Sterling and no more, provided such persons come to the Parish Church at the time of Divine Service, to be marryed.

VII. The Sheriff of every County shall collect the aforesaid 40 *per* Pole of the several persons in their respective Counties, in such manner as the County levies collected, and pay the same to the Vestry of every Parish, where there is no Incumbent, but where there is an Incumbent it shall be paid to him; each Sheriff deducting 5 *l.* of Tobacco *per Cent.* and no more, for collecting.

VIII. The

VIII. The ſeveral Veſtry-men of the ſeveral Pariſhes in this Province, ſhall be a Body Corporate, and ſo remain by ſucceſſion, for receiving the ſaid 40 *l*: of Tobacco, and diſpoſing the ſame as by this Act ordained, by the names of the principal Veſtry-men, and his brethren Veſtry-men of ſuch a Pariſh, who are impowered to recover, take, and recieve into their poſſeſſion for pious uſes, and the benefit of the Church and Pariſh, any Lands, Tenements, or Hereditaments, or any Goods, Chattels, Debts, or other perſonal Eſtate whatſoever, given, granted, or bequeathed. And ſhall be capable of ſuing, or being ſued by the Names and Titles aforeſaid.

IX. The number of which Veſtry, or Body Corporate, ſhall be ſix at leaſt: And upon death or abſence of any, the remaining part of ſuch Veſtry ſhall with convenient ſpeed meet, and by majority of Voices, make choice of other diſcreet perſon or perſons, Freeholders of ſuch Place or Places. And the perſon ſo elected, ſhall take the Oath appointed by Act of Parliament, inſtead of the Oaths of Allegiance and Supremacy, and the Oath of a Veſtry-man as appointed by this Act, and ſubſcribe the Teſt and Aſſociation.

X. If any perſon ſo choſen a Veſtry-man, ſhall refuſe to ſerve and take Oaths aforeſaid, he ſhall be fined 1000 *l*. of Tobacco to the King.

XI. Where there is a Miniſter or Incumbent Inſtituted, Inducted and Inveſted with the 40 *per* Pole, and reſiding in the Pariſh, he ſhall during his continuance be one of the Veſtry and Principal thereof.

XII. Every Veſtry ſhall appoint and keep a fit perſon for a Regiſter, who ſhall fairly Regiſter the Veſtries Proceedings, who ſhall take the Oaths aforeſaid, and alſo an Oath for the due and faithful Executing his Office: He ſhall alſo Regiſter all Births, Marriages, and Burials, (Negroes and Mallato's excepted) perſons concerned paying him 6 *d*. for entring the ſame, under the penalty of 100 *l*. of Tobacco. And ſuch Regiſter ſhall be obliged to ſhew any perſon deſiring it the Regiſter Book, or give a Certificate of any Birth, Marriage or Burial, that ſhall be reaſonably required of him, recieving for his Fee 6 *d*. for a Search, and 6 *d*. for a Copy or Certificate.

XIII. Where there is no Regiſter Book already provided, the Veſtry of ſuch Pariſh ſhall at the Pariſh charge provide ſuch Book within 6 months from the end of this

Seſſion

Session of Assembly, under the Penalty of 500 *l.* of Tobacco, to the King.

XIV. The said Vestries shall meet frequently, and no Vestry-man, upon notice given, shall absent himself without lawful Impediment, under the Penalty of 100 *l.* of Tobacco.

XV. Where there is no Table of Marriages already set up in Churches, the Vestry shall within 6 months procure the same to be set up in their several and respective Churches.

XVI. The said Vestry-men shall yearly about the month of *January*, make Choice of 2 discreet Freeholders of their respective Parishes to be Church-Wardens for that year, upon penalty of 200 *l.* of Tobacco each Vestry-man (except the Minister) for their neglect.

XVII. Which Church-Wardens so chosen shall take the usual Oaths, and also an Oath well and faithfully to execute that Office the ensuing year. And if any so chosen shall wilfully refuse to serve, or to take the said Oaths, he shall be fined 1000 *l.* of Tobacco to the King.

XVIII. The Church-Wardens and Vestry shall take care constantly to pay the Parochial Charges, and cause all necessary Repairs and Amendments of the respective Churches, Chappels or Church-yards, to be perform'd as need shall require, and satisfie and pay for the same, either out of the 40 *per* Pole, where no Minister is, or out of such Gifts, *&c.* as shall come to their hands for the Church or Parish use. And if there be a Minister instituted, and the Vestry have no Effects in their hands, then the Justices of the County Courts, upon application to them made, may Assess the respective Parishes, not exceeding 10 *l.* of Tobacco *per* Pole in any one year, to be levied by the Sheriff, who shall not deduct above 5 *per Cent.* for his Salary.

XIX. No Minister or Incumbent shall at one time hold more than 2 Parishes, nor 2 Parishes but by consent of 2 neighbouring Vestries, and the appointment of the Governour, nor claim a larger part of the 40 *per* Pole than what the adjacent Parish shall agree with him to pay yearly.

XX. All Sums of Money, Goods and Chattels, or any other Interest, except Lands and the 40 *per* Pole, coming into the hands of the Vestry, shall be employ'd, 1. for repairs of the Church, *&c.* and providing decent Ornaments.

ments and Requisits for the same, and other Parochial Charges; 2. for the Educating poor Orphans of the Parish; and if any thing remains over, to such other Charitable uses as the Vestry and Church-Wardens shall think fit.

XXI. In any Action commenced by a Vestry for the benefit of a Parish, they shall not be obliged to pay Fees or Costs of Suit, unless they recover in the same Action, nor pay the Defendant Costs in case the Vestry be cast.

XXII. Where there is no Minister in any Parish, the Vestry may provide some sober and discreet person for a Reader, allowing him what they can agree for, out of the 40 *per* Pole, not exceeding half of such Revenue yearly, and upon such Readers taking the Oaths, subscribing the Test and Association, and procuring a Licence from the Governour, he may read Divine Service, and Homilies, at the usual times in the Church or Chapel, therein demeaning himself according to the Liturgy of the Church of *England*.

XXIII. The Fines and Forfeitures given by this Act shall be recovered by Action of Debt, in the Kings name, and applyed to the use of the Parish.

XXIV. Several Acts formerly made, relating to Religion and Vestries, repeal'd.

Repeal.

I. *An.* 4. *W. & M.* 1692. *p.* 18. All Laws heretofore made within this Province are, and stand hereby repealed, annulled and void, and all Laws now made in this present Assembly shall be of Full Force, and esteemed as the Body of the Laws of this Province, and no other heretofore made.

II. Provided this Act shall not extend to make void any Acts of Naturalization, or any Private Acts heretofore made relating to private persons.

III. *An.* 7. *W.* 3. 1695. *p.* 34. Those Private Acts made at a General Assembly 1676, relating to the Estate of *Robert Cager*, and those Private Acts made 1678, for Naturalization of *James Peane, &c.* And all other Private Acts heretofore made, are Confirmed and Ratified, any Act heretofore made to the contrary notwithstanding.

IV. *An.* 12. *W.* 3. 1700. *p.* 117. All Laws made before the 28th of *June* 1699, are repealed and void, except ſuch as by their peculiar Titles are expreſt in a Schedule to this Act annext (*for which ſee the Act at large*) and Acts for private purpoſes, all which are hereby ratified and confirmed.

V. Saving to any perſon the Benefit and Advantage of any Suit and Action already commenced or Sued upon any the ſaid repealed Acts.

Revenue.

I. *An.* 4. *W. & M.* 1692. *p.* 12. One Shilling *per* Hogſhead of Tobacco exported out of this Province, ſhall be levy'd, collected, and paid to the King and Queen, their Heirs, and Succeſſors, for the ſupport of the Govenment of this Province.

II. The ſaid Duty ſhall be paid by the Maſter of every Ship or Veſſel in which ſuch Tobacco ſhall be exported, upon his clearing; and upon the firſt arrival of any Ship in this Province, and before the loading on board any Goods, the Maſter ſhall give ſecurity for the payment of the ſaid Duty.

III. Nothing in this Act ſhall be conſtrued or taken to diſanul or make void the Lord Proprietarys Right to another 1 *s. per* Hogſhead to be paid him in conſideration of his Rents and Alieation-money, in Tobacco at 2 *d. per* pound during his Life, *&c.*

IV. Every Maſter of a Ship or Veſſel ſhall the time of his clearing, declare upon Oath the quality and quantity of his Lading, which Oath ſhall be adminiſtred by the Naval Officer by the Governour appointed; and in caſe the Maſter ſhall refuſe the ſaid Oath, or there be cauſe of ſuſpicion, the ſaid Naval Officer may Enter on Board and Search for Goods not cleared.

Revival.

An. 12. *W.* 3. 1700. *p.* 116. An Act paſt in the year 1699. *for Limitation of Officers Fees*, and one other Act made at the ſame Aſſembly, *for Summoning Grand and Petty Juries*, revived and continued for 3 years, and to the

the end of the next Seſſion of Aſſembly, which ſhall happen after the ſaid 3 years. (*vid. Fees 9.* and *Juriſ.* 1.)

Rights.

An. 4. *W.* & *M.* 1692. *p.* 3. Any perſon being a free Denizen, and Subject to the Crown of *England*, that within 5 years before had obtained of the Lord Proprietor of this Province any Warrant for any Land, by vertue of which any Land was ſurveyed and laid out before the Revolution, or before the 10th of *July*, 1689. and no Patent as yet granted for the ſame, ſuch perſon, at any time within 12 months after the publication of this Law, appearing before the Juſtices of the County where the Land lyeth, and producing before them a Certificate under the Surveyors hand, and proving the ſame to have been laid out *bona fide*, it ſhall and may be lawful for ſuch perſon to have, poſſeſs, and enjoy, all ſuch Lands and Tenements, ſo laid out and ſurveyed as aforeſaid, and have and enjoy therein a pure and lawful Eſtate in Fee ſimple, and with all Priviledges and Immunities belonging to the ſame, as fully and abſolutely as if a Patent from his Lordſhip had been granted for the ſame.

II. *An.* 7. *W.* & *M.* 1695. *p.* 36. All and every perſon and perſons, who during the continuance of certain Acts of Aſſembly now repeal'd, did take up, pay for, or were ready to pay for any Lot or Lots of Land in any Town Land, and made due entry thereof, and built and improved upon the ſame, and followed the directions of the aforeſaid Laws, ſuch perſons, their Heirs and Aſſigns, ſhall hold and enjoy a good and indefeazible Eſtate of Inheritance in Fee ſimple in the ſame, as fully to all Intents as if the ſaid Laws were ſtill in force, and not repeal'd.

III. Provided, ſuch who have taken up and improved, and not yet paid the Price ſet upon the ſame, ſhall pay the value of the Lot ſo taken up, to the Owner upon demand, without Fraud or Covin.

S.

Secretary's Office.

I. *An.* 11. *W.* 3. 1699. *p.* 78. The Secretary of this Province, in whose Custody the Records remain, shall before the 10th of *March* next, enter upon Record in a new Book in large Folio, and substantial Paper, and well Bound, all Laws and Acts of Assembly then in force, and all other Laws hereafter to be made within 6 months after any Sessions of Assembly, and the same so entred shall be Signed by the Secretary, and Seal'd with the lesser Seal: Which Book shall remain in his Office. And the said Secretary shall cause a List of the said Laws to be entred in the said Book, and an Index directing to every Act, or in default of so doing shall pay as a fine 10000 *l.* of Tobacco, half to the King for the support of the Government, the other half to him that shall sue for the same.

II. For which doing the said Secretary shall be allowed at the next General Assembly, out of the Publick levy, what he shall reasonably deserve.

III. The Clerk of the House of Delegates shall transcribe the Journal of the said House within 2 months after the end of every Session of Assembly, upon penalty of 500 *l.* of Tobacco, half to King as aforesaid, half to him that shall sue, in any Court of Record, wherein no Essoin, *&c.*

Servants and Slaves. Runaways.

I. *An.* 11. *W.* 3. 1699. *p.* 95. No Servant or Slave shall travel above 10 mile from his Masters House, without a Note under the Hand of his Master or Overseer, under the Penalty of being taken up for a Runaway.

II. Any such Servant absenting from his or her Master or Mistress, shall serve 10 days for every one days absence.

III. Any Person that shall wittingly and willingly detain any Servant unlawfully absenting himself, shall be

be fined 5 *l.* of Tobacco for every night that ſuch Perſon ſhall entertain ſuch Servant, half to the King, half to the Informer.

IV. Any perſon travelling out of the County where he or ſhe lives or reſides, without a Paſs under the County Seal (for which is to be paid 10 *l.* of Tobacco, or 1 *s.* in Money) ſuch perſon, not being ſufficiently known, or able to give a good account of himſelf if apprehended, ſhall be deemed and taken as a Runaway.

V. Whoever takes up a Runaway travelling without a Paſs, and not able to give a good Account of himſelf, ſhall have 200 *l.* of Tobacco, to be paid by the Owner of ſuch Runaway, or ſuch other ſatisfaction as the Juſtices ſhall think fit.

VI. And if one of our Neighbouring *Indians* takes up or ſeizes a Runaway Servant, and brings him before ſome Magiſtrate, he ſhall have a Reward of a Matchcoat paid him, or the Value thereof.

VII. When any perſon apprehends or ſeizes a Runaway, he ſhall bring, or cauſe him to be brought before the next Magiſtrate, who ſhall take him into his Cuſtody, or otherwiſe ſecure him, until ſuch Perſon ſo ſeized ſhall give ſufficient Security to anſwer the Premiſſes at the next Court for the County, and make ſatisfaction to him that ſeized him; and that notice may be given to the Maſter or Miſtreſs of ſuch Runaway, the Juſtices of that County ſhall cauſe a Note of the Runaways Name to be ſet up at the next adjacent County Courts, at the Provincial Court, and at the Secretaries Office, that all perſons may view the ſame, and ſee where ſuch their Servants are.

VIII. Every Man Servant ſhall have given him at the time of the expiration of his Service, one new Hat, a good Cloath Suit, a new Shift of White Linnen, a pair of new *French* full Shooes and Stockings, two Hoes, and one Axe, and one Gun of 20 *s.* price, not above 4 foot Barrel, nor leſs than 3 and a half. And every Woman Servant ſhall have given her at the expiration of her Servitude, the like Proviſion of Cloaths, and 3 Barrels of *Indian* Corn.

IX. Whoever ſhall tranſport, or cauſe to be tranſported or convey'd away out of this Province, any Inhabitant indebted here, and not having a ſufficient Licence, or Paſs, ſhall be liable to pay all ſuch Debts, Engagements, or Damages, which the perſon conveyed

away was liable to ſatisfie to any perſon in this Province, unleſs the ſame be otherwiſe ſatisfied in ſome convenient time, or that in ſhort time he procure the perſon ſo convey'd away to return again. And whoever ſhall entice, or privately carry away any Apprentice, Servant or Slave, ſhall for every ſuch Offence forfeit and pay to the Imployer of ſuch Apprentice, Servant, or Slave, treble Damages and Coſts.

X. No perſon ſhall trade, barter, or any ways deal with any Servant or Slave belonging to any Inhabitant within this Province, without leave firſt had of the Maſter, Miſtreſs or Overſeer, under the Penalty of 2000 *l.* of Tobacco, one half to the King, the other to the Maſter, *&c.*

XI. If the Goods ſo traded or bartered as aforeſaid ſhall exceed the ſum of 1000 *l.* of Tobacco, the Party whoſe Goods ſhall be imbezled or barter'd away as aforeſaid, ſhall have his Action at Law for the Damage ſuſtain'd, againſt the perſon ſo dealing and bartering for the ſame. And in caſe the perſon ſo offending ſhall not be able to ſatisfie the ſame, then he ſhall be bound over by ſome one Juſtice of the Peace, to appear at the Provincial or County Court, where upon Conviction he ſhall be puniſhed, by whipping on the bare Back with 30 ſtripes.

XII. A Servant Imported into this Province, without Indentures, if above the age of 22 years, ſhall be obliged to ſerve 5 years, if between 18 and 22, 6 years; if between 15 and 18, 7 years; if under 15, he ſhall ſerve till he attains the Age of 22 years.

XIII. Servants tranſported hither from *Virginia*, ſhall compleat their time of Service here, which they ſhould have performed there, and no more.

XIV. All Owners or keepers of any ſuch Servant as aforeſaid, ſhall within 6 months after the receiving ſuch Servant into their cuſtody (if they claim more than 5 years ſervice of ſuch Servant) bring him or her into the County Court, where the age of ſuch Servant ſhall be judged and entred upon record, under the Penalty of 1000 *l.* of Tobacco, to the King for ſupport of the Government, *&c.*

XV. All Servants tranſported into this Province, ſhall have their time of Service commence from the firſt

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Anchoring of the Veſſel within this Province, any Law or Cuſtom to the contrary notwithſtanding.

XVI. No Indenture made by any Servant during the time of his Service, ſhall any ways oblige ſuch Servant for longer time, than by his firſt Indenture, or determination of the Court, ſhall be limited. Provided this Act ſhall not give any benefit to any Negro or Slave.

XVII. For all Runaway Servants or Slaves that ſhall be taken up in *Penſilvania* or *Virginia*, and from thence brought into this Province, and deliver'd to a Magiſtrate, the perſon who brings them ſhall have paid him by the Owner of ſuch Runaway 400 *l.* of Tobacco and Cask, or 40 *s.* in Money; except Servants or Runaways brought from *Accomack* into *Somerſet* County, or from the ſide of *Virginia* next the River *Potomack*; and for ſuch, only 200 *l.* of Tobacco, or 20 *s.* And ſuch Runaway, when free, ſhall make ſatisfaction by Service or otherwiſe, more than 10 days for one, as the Court ſhall adjudge, *&c.*

XVIII. If any Maſter, Miſtreſs, or Overſeer of any Servant, ſhall deny ſufficient Meat and Drink, Lodging and Cleathing, or unreaſonably labour them beyond their Strength, or debar them of neceſſary Reſt and Sleep, the ſame being ſufficiently proved in the County Court, the Juſtices may fine ſuch Offender for the firſt and ſecond Offence as they pleaſe, not exceeding 1000 *l.* of Tobacco to the King; and for the third offence, ſet ſuch Servant ſo wrong'd at Liberty, and free from Servitude.

XIX. All Negroes and other Slaves imported into this Province, and their Children, ſhall be Slaves during their Natural Lives.

XX. Any White Woman, free or Servant, that ſuffers herſelf to be begot with Child, by a Negro, or other Slave, or Free Negro; ſuch Woman, if free, ſhall become a Servant for 7 years; if a Servant, ſhall ſerve 7 years longer than her firſt term of Service. If the Negro that begot the Child be free, he ſhall ſerve 7 years, to be adjudged by the Juſtices of the County Court, and the Iſſue of ſuch Copulations ſhall be Servants till they arrive at the Age of 31 years. And any White Man that ſhall get a Negro Woman with Child (whether free or Servant) ſhall undergo the ſame Penalties as White Women. All which Servitudes by this Act impoſed

posed shall be disposed of or employ'd as the Justices of the respective County shall think fit, the Produce to be appropriated towards the relief of the Poor.

XXI. Every Woman Servant, having a Bastard Child, and not able to prove the Father, shall only be liable to satisfie the Damages sustain'd, by her Servitude, or otherwise as the Court shall see convenient. If such Mother do prove the charge by sufficient testimony of Witnesses, Confession of the Party, or pregnant Circumstances agreeing with her declaration in her extremity of Pains, and her Oath before a Magistrate, then the Party charged, if a Servant, shall satisfy half the damage, if a Freeman, then the whole damage by Servitude or otherwise. And if the Mother can prove by Testimony, or Confession of the Party, that the Father, being a single Person and a Freeman, did before her getting with Child promise her Marriage, it shall be at his choice to perform his Promise, or recompence her abuse according as the Court shall adjudge.

XXII. The Provincial and County Courts may hear and determine any complaints between Masters and Servants by way of Petition, give Judgment, and award Execution upon the same. And upon Appeal no such Judgment shall be reverst for any matter of Form, *&c.* Provided it appears by Record, that the Defendant was legally summoned, and not condemn'd unheard, *&c.*

Settlements.

I. *An.* 4. *W. & M.* 1692. *p.* 18. All Sales, Gifts and Grants, at any time before the 27th of *March* 1671, of any Lands within this Province, by any person who had right to Sell or Grant, made by Writing only, with or without Seal, shall for ever hereafter be good and valid in Law, any error in the Form only of such Writing notwithstanding.

II. All Sales, *&c.* at any time before the day and year aforesaid, made by persons who right had, if such Sale, *&c.* or payment of the Purchase money *bona fide*, can be proved by witness, shall for ever hereafter be good and available in Law, to bar the Heirs, or any person claiming Dower from such Vendor or Grantor.

III. *An.*

III. *An.* 6. *W.* & *M.* 1694. *p.* 29. The Act formerly made the 27th day of *March* 1671, entituled *An Act for quieting Possessions*, shall be in full Force and Vertue until the 13th of *April*, 1674, and not longer.

Sheriffs Office.

I. *An.* 11. *W.* 3. 1699. *p.* 71. Where any Merchant, or others, have within 12 months last past, or for the future shall receive, mark and nail any Hogshead of Tobacco of any Debtor within this Province, which hath been paid and delivered to them for satisfaction of Debts, and the said Creditors have thereupon delivered up their Bills or Securities, or given discharges, but before the said Creditors cou'd remove the said Tobacco from the Debtors Tobacco-houses, if the Sheriff seize such Tobacco so markt and nail'd as aforesaid, in such case, if the Debtor refuse to give his Creditor some other full Satisfaction for the said Debt, any 2 Justices of Peace of the respective County, may upon due Proof thereof, award the Creditor Execution; with Cost (such Cost not exceeding 100 *l.* of Tobacco) against the Body, Goods and Chattels of such Debtor, to be executed by the Sheriff, in as full and ample manner, as if the Debt was recovered by due course of Law.

II. No Sheriff or Deputy shall seize any Tobacco unstript, or any Merchants or others Tobacco received, markt and nail'd as aforesaid, for any cause whatsoever but only for levies, in which case the Sheriffs may break the Lock of any Tobacco-house or other Houses. And the Sheriff so seizing any Hogshead containing more than what is justly due to the Publick for levies, without making satisfaction to the Party, or suffering him to take the Overplus out of such Hogshead, shall pay for every such default the summ of 2000 *l.* of Tobacco, one half to the King, the other to the Party grieved.

III. If any Sheriff shall seize any Hogshead of Tobacco, which shall weigh more than such Levy shall amount to, if the remaining or overplus part be the greater quantity, then the Sheriff shall take out of the Hogshead what is due to him for the levy, and leave the rest and the Hogshead to the Party paying the same; but if the remaining part be the less, the Party shall take that

out.

out, and leave the Hogshead and the rest to the Sheriff.

IV. No Sheriff shall exact or receive from any Person whatsoever any Fee or Reward for serving any Writ or Process, *&c.* in any Criminal Cause, but shall do and execute the same *ex officio*, under penalty of 1000 *l.* of Tobacco for every such Offence, half to the King, half to the party grieved, to be recovered in any Court of Record, *&c.*

V. In all Actions of the Case, where damages are laid to be above 4000 *l.* of Tobacco, if no Declaration be sent with the Writ, expressing the true cause of Action, the Sheriff shall not require Bail above 8000 *l.* of Tob. tho the damages be laid in the Writ never so high. And the Sheriff offending herein shall forfeit 4000 *l.* of Tobacco, half to the King, half to the Party griev'd, *&c.*

VI. A Creditor that has Debts owing from the Publick, hath his election, either to apply to the Governor to put the Sheriffs Bond in suit, or immediately have an Action of Debt against the Sheriff of the County where such Publick Tobacco shall be due to such Creditor.

VII. No Person having publick Tobacco to him due, or Fees in any Sheriffs hands to collect, and doth not signify to such Sheriff his resolution of making use of the same on or before the 25th of *Decemb.* in the year the same shall be due, shall not take any benefit by this Act for that year. Nor shall any Sheriff levy by way of Execution any Publick Dues or Officers Fees, where the same have not been demanded at or before the 20th of *January* that year.

VIII. Where Publick Tobacco and Fees have been demanded within the times before limited, such demandant shall be obliged to take the same, and discharge such Debtor for so much as shall be by him received, and upon refusal of receiving such Tobacco, being viewed and found Merchantable, shall be weighed and markt for the Demandant, and be a sufficient discharge to the Persons paying the same, provided the same be tendered before the 10th of *April.*

IX. No Sheriff shall presume to levy any Publick Officers Fees where the Person can make appear that they have been paid, under penalty of treble the summ to the Party grieved.

X. The High Sheriff of every County shall be bound with security to the King in the full summ and just

quan-

quantity of two hundred thouſand pounds of good ſound Merchantable Leaf Tobacco and Lask, condition'd well and truly to ſerve the King, his Heirs and Succeſſors, in the Office of High Sheriff of the County of *&c*. Which Bonds, if taken by the County Court, the Commiſſioners thereof ſhall tranſmit to the Secretary's Office, and ſuch ſecurity is to be renewed yearly, ſo long as the Sheriff continues in Office. And the Governor may, where no juſt complaint is made againſt ſuch Sheriff, continue and make good his Commiſſion for the term of 3 years ſucceſſively, and no longer.

Sunday.

I. *An.* 8. *W.* 3. 1696. *p.* 38. No perſon ſhall work upon the Lords day, commonly called *Sunday*, or command or ſuffer any under their Power to work or Labour (works of Neceſſity and Mercy always excepted) nor permit any under their authority to Prophane the Lords day, by Drunkenneſs, Swearing, Gaming, Fowling, Fiſhing, Hunting or other Sports, Paſtimes or Recreations whatſoever.

II. The Offender herein ſhall pay for every Offence 100 *l.* of Tobacco to the uſe of the Poor of the Pariſh, being ſeen by a Magiſtrate, confeſt or proved before any Magiſtrate, by the Oaths of two Witneſſes. In default of Diſtreſs, the Offender ſhall be bound over to the next Court, and to be during the Interval of Good Behaviour.

III. The Miniſter of every Church and Chappel ſhall 4 times a year read all Penal Laws of this Pariſh made for puniſhment of Vice, in their reſpective Pariſhes, on the Penalty of 2000 *l.* of Tobacco, to the uſe aforeſaid.

IV. No Ordinary-keeper, or other Maſter or Miſtreſs of a Family, ſhall directly or indirectly (unleſs in caſes of abſolute neceſſity) ſell any ſtrong Liquor whatſoever on the Lords day to any perſon whatſoever, or wittingly permit about their Houſe any Tippling, Gaming, Excerciſe, or Paſtime whatſoever. Penalty, upon Conviction by two Witneſſes, 2000 *l.* of Tobacco, one half to the King to the uſe aforeſaid, the other to him that ſhall Sue. And if an Ordinary-keeper, to loſe his Licence.

V. The

V. The Clerks of the ſeveral County Courts ſhall permit the ſeveral Clerks of Veſtries to take Copies of all and ſingular the Acts of Aſſembly relating to Religion, *gratis*. Under penalty of 2000 *l.* of Tobacco, to the uſe aforeſaid.

T.

Taxes, and Customs.

I. *An.* 7. *W.* & *M.* 1695. *p.* 34. None Reſiding or Inhabiting within this Province, ſhall export any Furs or Skins herein after mentioned, for *England*, or his Maieſties Plantations in *America*, without paying the following Duties towards the maintenance of a Free-School or Schools, *viz.* Every Bears Skin 9 *d.* Sterling, Beaver 4 *d.* Otter 3 *d.* Wild Cat, Minks, Fiſhers, Woolf, 1 *d. ob. per* Skin, Musk-rat 4 *d. per* dozen, Racoons 3 *q. per* Skin, Elk 1 *s. per* Skin, Deer 4 *d.* young Bear and Cub 4 *d.*

II. All Non-Reſidents Exporting as aforeſaid ſhall pay double Duties.

III. The ſaid Impoſitions ſhall be collected by the reſpective Naval Officers, who ſhall once a year account for the ſame to the Governors, Truſtees, and Viſiters of the foreſaid Free-School or Schools, who ſhall diſpoſe the ſame to the uſes aforeſaid.

IV. Every perſon exporting Furs as aforeſaid, ſhall at or before the Shipping of the ſame, render an Account upon Oath of the Skins to be exported, whoſe they are, and whether the owners be Inhabitants or Reſidents of this Province.

V. Whoever puts on board any Furs or Skins aforeſaid, without paying the Impoſition, or giving Caution for the ſame to the Naval Officer, and taking a Certificate, ſhall Forfeit and loſe all the ſaid Furs and Skins ſo Shipped, half to the King for the uſe aforeſaid, and half to the Informer. And the Maſter of the Ship or Veſſel who takes on board any ſuch Furs or Skins for which no Certificate is produced, ſhall forfeit on

en Conviction, 5000 *l.* of Tobacco, half to the King for the uſe aforeſaid, and half to the Informer.

VI. And the Naval Officers are impowered when they think fit to enter into any Ship, Houſe, Warehouſe, *&c.* and open any Trunk, Cheſt, *&c.* and ſearch for Furs or Skins for which no Duty has been paid, and ſeize, and have the ſame condemn'd.

VII. Inhabitants of this Province ſhall pay to the King for the uſe before mentioned, for dryed Beef and Bacon exported 1 *s.* the hundred weight, and ſo proportionably, and for Beef and Pork undryed 1 *s.* the Barrel, each Barrel to contain 200 weight. And the Naval Officer ſhall have authority to enter and make ſearch as aforeſaid, *&c.* The Offender herein ſhall Forfeit his Meats, and the Maſter of the Ship ſo taking aboard as aforeſaid, 5000 *l.* of Tobacco, half to the King to the uſe aforeſaid, half to the Informer.

VIII. All perſons Trading to or from this Province, ſhall be deemed as Non-reſidents, that have not a ſeated Plantation of 50 Acres at the leaſt, and have therein reſided during one whole year, or have a Houſe in ſome Port or Town of 40 foot in length and 20 in breadth, with 2 Brick Chimneys, and therein reſided one year. Provided no Perſon Trading directly from *England* hither, ſhall be deemed or reputed as a Foreigner, but every ſuch Perſon ſhall have free Liberty in the exportation of Skins or Furs, and any Meat dryed or undryed, equal with the Inhabitants of this Province, paying ſuch Duties as aforeſaid.

IX. *An.* 11. *W.* 3. 1699. *p.* 67. All Maſters of Ships or others importing *Iriſh* Servants into this Province, ſhall pay to the Naval Officer of the Port where the Entry is made, the ſum of 20 *s.* Sterl. *per* pole, for every *Iriſh* Servant ſo imported, or forfeit 5 *l.* Sterl. for every Servant concealed, one half towards defraying the Publick levy, the other to the Informer.

X. For every Negro ſo imported, the Importer ſhall pay 20 *s. per* pole, or forfeit 5 *l. per* pole as aforeſaid.

XI. The Importer of any Rum or Wine, ſhall pay 3 *d. per* Gallon, to be applied to the uſes aforeſaid, Liquors from *England* excepted.

XII. Ships built in this Province, and ſolely belonging to the Inhabitants thereof, ſhall be exempted from paying the Impoſition of 3 *d. per* Gallon aforeſaid.

XIII. No Rum or Wine ſhall be put on Shoar, without due entry thereof made with the Officer, for collecting the ſame in the Port where imported, or before the Duty paid or ſecured, and a Warrant for landing thereof ſigned, upon pain of forfeiture to the uſes as aboveſaid.

XIV. In conſideration of leakage and other damages, the Officer may make allowance and abatement of 20 Gallons in every hundred Gallons of Liquors duly enter'd as aforeſaid.

XV. Officers Collecting the ſaid Duty, and ſuſpecting any Fraud or Deceit in concealing, *&c.* may enter into any Ship or Houſe on ſhoar, and from thence ſeize ſuch Liquors, for which the Duties are not duly paid or ſecured. And all Officers, Civil and Military, are required and enjoyn'd to be aiding and aſſiſting.

XVI. All ſuch Naval Officers ſhall give good ſecurity, and be ſworn well and faithfully to gather the impoſt ſo ariſing, and to account twice a year, and pay the Impoſt to the publick Treaſurer, to be diſpoſed towards the defraying the Publick levy of this Province.

XVII. Every Maſter of a Ship or Veſſel wherein ſuch Liquors ſhall be imported ,ſhall at his Entry render upon Oath an Account of the quantity and quality of ſuch Liquors, and give good ſecurity for payment of the Impoſition.

XVIII. The Naval Officers collecting the ſaid Duties, ſhall have for Sallary 8 *l. per cent.* and no more.

XIX. He who imports Rum or Wine, and within 3 months after exports any of the ſame, ſhall be allow'd by way of Draw-back, three fourth parts of ſuch Impoſition. Provided he make Oath, that the Rum or Wine to be exported, is part of that which he imported.

XX. This Act to endure for 3 years, and to the end of the firſt Seſſion of Aſſembly that ſhall happen after the ſaid 3 years.

XXI. *An.* 11. *W.* 3. 1699. *p.* 77. Every Conſtable ſhall yearly before the 20th of *June*, repair to every Houſe within his Hundred, and there require of the Maſter or Miſtreſs, a true liſt under their hands of all the Taxable Perſons in their reſpective Families, of which he ſhall ſend one Copy to the Sheriff, and another he ſhall preſent at the next County Court.

XXII. Every

XXII. Every Master or Mistress who shall deny to give such List, or conceal any Taxable Person in their Family, he or she shall forfeit and pay for every such Offence, and for every Person so concealed 500 *l.* of Tobacco. And every Constable neglecting his Duty, shall pay 500 *l.* of Tobacco, half to the King, half to the Informer.

XXIII. If any Inhabitant of this Province shall purchase any Taxable Person, he shall with convenient speed give notice thereof to the Constable of the Hundred, who shall give an account to the next County Court.

XXIV. All Male Children born and resident in this Province after the Age of 16 years; all Male Children Servants imported of the Age of 16; all Slaves, either Male or Female imported of the Age of 16; and all Freemen within this Province (except Clergy-men and poor impotent Persons that receive Alms from the County) shall be accounted Taxables.

Tobacco.

I. *An.* 4. *W. & M.* 1692: *p.* 9. Whosoever shall dispose of any Tobacco or other Goods seized by the Sheriff for Fines, or Levies, or Officers Fees, or alter or scratch out the mark, or change the quality of such Tobacco so received by the Sheriff or others, without lawful Order or Warrant for so doing, he shall upon Conviction, restore fourfold to the Party grieved, and stand in the Pillory 2 hours.

II. No Person shall be prosecuted upon this Act after 3 years from the time the fact shall be committed.

III. *An.* 11. *W.* 3. 1699. *p.* 78. Every Inhabitant within this Province having a Plantation, whereon he maketh or causeth to be made any Tobacco, shall build and erect upon every such Plantation a good tight House, with Door, Lock and Key, sufficient to contain the Tobacco made there.

IV. Every Inhabitant having such a Plantation as aforesaid, that shall pay away or dispose of any Tobacco to any Merchant or other Person, shall notwithstanding secure and keep the said Tobacco, as he wou'd his own proper Goods, for the space of one year and no long-

longer. And if any Tobacco so received as aforesaid be damnified or stole for want of such House, the Party neglecting to provide such House, shall make satisfaction to him that received it.

V. Nothing in this Act shall make any Inhabitant lyable to any Damage, that may happen to any Tobacco so left with him to keep, through any other casualty whatsoever.

Trade.

I. *An.* 8. *W.* 3. 1696. *p.* 37. If any Person be indebted to any other Person, residing in, or Trading to this Province, any summ of Tobacco or Money, above 200 *l.* of Tob. or 12 *s.* and not above 10000 *l.* of Tobacco, or 50 *l.* Sterl. and the Creditor is desirous of a speedy recovery of the same, he shall, when he sues out his Writ against the Defendant, deliver therewith to the Sheriff a true Copy of his Declaration, and if the Sheriff can serve the Writ 8 days before the Return, and at the same time give the Defendant a Copy of the Declaration, the said Defendant shall be obliged to come to a Tryal upon the return of the Writ, without any imparlance.

II. The Justices of the County Courts may award Judgment against such Defendant, upon his refusal or neglect to plead, except in extraordinary Cases or Accidents, at the discretion of the Justices.

III. The Sheriff of every County shall at the next County Court after the publick levy or allowances comes to his Hands, deliver a Copy thereof signed by him to the County Clerk, who shall make a true Copy thereof, and set it up at the Court House, and Record the other. The Penalty for not so doing 2000 *l.* of Tob.

U.

Usury.

I. *An.* 3. *W. & M.* 1692. *p.* 15. No person whatsoever within this Province shall upon any Contract, take directly or indirectly for Loan of any Money, Wares, Merchandize or other Commodities whatsoever, to be paid in Money, above the value of 6 *l.* for the forbearance of 100 *l.* for one year, and so proportionably. Nor for the Loan of any Tobacco's, Wares, Merchandizes, *&c.* to be paid in Tobacco or other Commodities above the value of 8 *l.* of Tobacco for the forbearance of 100 *l.* of Tobacco and so proportionably.

II. All Bonds, Contracts, *&c.* made for any greater use or Interest than as aforesaid shall be utterly void. And all and every person or persons, who shall by any deceitful Ways or Means, Covin or Engine, take more than aforesaid for the forbearance or giving day of Payment, shall forfeit for every such offence the treeble value of the Money, Tobacco, Wares, *&c.* so lent, *&c.* one half to the King for support of the Government, the other for him that shall sue for the same in any Court of Record by Action, Bill, *&c.* wherein no Essoin, *&c.*

W.

Waters.

I. *An. Dom.* 1693. *p.* 47. The Persons in the Act named, or any 3 of them, are appointed Trustees, to purchase in the Kings name 50 Acres of Land near adjoyning to the Fountains of healing Waters, called the Cool Springs lately discovered in *St Maries* County,

and thereon to build and erect Houſes for entertainment of the Poor, and providing neceſſaries for their relief.

II. The ſaid Truſtees ſome time before the 10th of *April* next, ſhall meet together on the ſaid Land, and then and there agree with the Parties intereſted, and buy the ſaid 50 Acres, in which the ſaid Springs ſhall be included.

III. If the Proprietors of the ſaid Land ſhall refuſe to ſell, or be diſabled to make a good Title to the ſame, then the High Sher. of *St Maries* County ſhall impannel 12 Freeholders, who upon their Oaths ſhall value the ſaid 50 Acres, as it ſhall be Surveyed and laid out by direction of the Truſtees.

IV. The ſum to be paid for the Purchaſe ſhall be levied by an equal Aſſeſsment upon the Inhabitants of this Province. And whatever the ſaid Truſtees ſhall do in purſuance thereof, is hereby ratified and confirmed, and the ſaid Truſtees ſhall be indempnified, *&c.*

Weights and Meaſures.

I. *An.* 4. *W. & M.* 1692. *p.* 14. No other Weights and Meaſures ſhall be uſed in Trading, than what are according to the Statute of *Henry* 7, King of *England*. *V.* 11. *H.* 7. *ch.* 4. & 12. *H.* 7. *ch.* 5. perſons ſhall be appointed by the Juſtices of the ſeveral Counties, to take care of the Standard, Weights and Meaſures, who are to provide all ſuch Weights and Meaſures as are wanting.

II. There ſhall be in each County 12 half hundred Weights, a quarter, a half quarter, a 7 pound weight, 4 pound, 2 pound and one pound; alſo Braſs meaſures of Ells and Yard ſeal'd in *England*; likewiſe Buſhel, half Buſhel, Peck and Gallon of *Wincheſter* meaſure, with Gallon, Pottle, Quart, Pint and half Pint of Wine meaſure, with burnt Stamps for Wooden Meaſures, and other Stamps for Pewter. The perſons appointed and procuring the ſame, to be reimburſed out of the County levy.

III. To which Standards all perſons are to repair and bring their Stilliards yearly to be tryed and ſtamp'd, paying 2 *s.* So alſo for Barrels, Buſhels, *&c.* paying for each

each Barrel 1 *s.* and every other meaſure 6 *d.* under the penalty of 1000 *l.* of Tobacco, *&c.* one half to the Poor of the Pariſh, the other to the Informer.

Wills and Adminiſtration.

I. *An.* 11. *W.* 3. 1699. *p.* 87. The Judge or Commiſſary General for Probat of Wills, and granting Adminiſtrations, ſhall hold his Court once in 2 months at leaſt, and ſhall proceed according to the Laws of *England*, ſaving in ſuch caſes as by this Act is provided.

II. The ſaid Judge ſhall call all Executors and Adminiſtrators to account within 12 months after the Adminiſtration committed, and if any Adminiſtrator ſhall refuſe to account upon Citation, the Judge ſhall revoke his Adminiſtration, and grant it to ſome other perſon, who ſhall ſue firſt Adminiſter for an account of the Inteſtates Eſtate, and in caſe it appears he hath waſted, the Judge ſhall aſſign the firſt Adminiſtrators Bond to the latter Adminiſtrator to be releived for ſuch Waſte.

III. Upon account given by the firſt Adminiſtrator, and after Debts and Funeral Expences paid, the Judge ſhall allow to the Widow (if any) one third part of the clear Eſtate, the other two to be equally divided among the Children (if any) if none, between the next of Blood of the Inteſtate.

IV. After this diviſion the Judge ſhall tranſmit the account thereof to the Juſtices of the reſpective County, who ſhall put the Perſons, Lands and Goods of the Orphans into ſuch hands as they ſhall think fit, taking Bond with two ſufficient Sureties, *&c.*

V. No Negroe or Slave ſhall be ſold by any Adminiſtrator for payment of Debts, or Execution ſerved on Negroes or Slaves, ſo long as there ſhall be other Goods ſufficient, *&c.*

VI. No account ſhall be allowed to any Adminiſtrator or Guardian to any Orphan, againſt the Eſtate of the Inteſtate, for Dyet, Cloaths, Phyſick or Education, but the Orphans ſhall be maintained and Educated by the intereſt of their Eſtate and increaſe of their Stock, which if too ſmall, ſuch Orphan ſhall be put Apprentice to ſome Handicraft Trade, till the age of 21 years,

unless some Kinsman will maintain him for the increase of his small Estate. Provided no Orphans shall be put into the hands of any person of a different Religion from his Parents.

VII. Cattel, Horses and Sheep, shall be returned in kind and number, by the Guardians of Orphans. So also for Money, Plate and Jewels; but Houshold Stuff and Lumber shall be appraised, and the value thereof paid to the Orphans either in Money or Tobacco.

VIII. Every Male Orphan shall be at full age to receive his Estate from his Guardian at 21 years. But of age to Administer as an Executor at 17. And every Female Orphan shall be accounted of full age to receive her Estate at 16, or day of Marriage which first happens.

IX. All Negroes and Slaves shall be praised to the Guardians or Trustees, and preserved by them and the like number of Slaves of like Ability of Body returned to the Orphans at their full age. But if any of the said Slaves be grown aged, lamed or impotent, the County Court shall adjust the matter.

X. In like manner, all Servants for years shall be returned in kind to the Orphans at their full age, the same in number, Age and Sex, and of like ability as near as can be guest.

XI. The Judge for Probate of Wills shall transmit desperate Debts to the Justices of the County Court, where the Estate shall lye, who are to enquire of the same, and take care about the same, *&c.*

XII. The Justices of County Courts shall yearly in *June* Court, enquire by a Jury not under 12 men; how Orphans are Maintained and Educated, and if Apprentices, how used and taught their Trade, and if they find any default herein to redress the same, *&c.*

XIII. No more shall be allowed to Guardians and Trustees for collecting Orphans Debts than 10 *per Cent.*

XIV. All persons appealing from the sentence of the Judge for proving Wills, shall within 15 days after sentence enter his appeal before the Governor, and within 15 days more Petition the Government to examine the sentence, or appoint some other person to hear and determine the same, whose sentence shall be final.

XV. All Bonds taken for the use of any Orphans shall be sued, recovered in the names of such Orphans.

XVI. The

XVI. The Commiſſary General of this Province or Judge in Teſtamentary cauſes, ſhall from time to time, conſtitute and appoint ſome able and ſufficient Freeholder in every County to take the Probate of any Laſt Wills or Teſtaments, and likewiſe granting Adminiſtrations of perſons dying inteſtate in the reſpective Counties. But if any diſpute ariſes concerning the right to Adminiſtrations or Executorſhip, the ſame ſhall be divided by the Commiſſary General or Judge, and not by the perſon appointed in the County, neither ſhall he grant Adminiſtration, or take Probate, till the diſpute ſhall be determined by the proper Judge. The Fees of ſuch perſons appointed to take Probats, *&c.* ſhall be 150 *l.* of Tobacco if the Inventory be above 2000 *l.* of Tobacco; if under, then 50 *l.* of Tobacco, and no more.

XVII. All Guardians of Orphans having a real Eſtate of the Orphans, ſhall (unleſs the Teſtator hath otherwiſe ordered by his Will) within one month after his taking on him the Guardianſhip, cauſe the Land and Plantation to be viewed in the preſence of one Commiſſioner, and an Eſtimate to be made of the annual value of the ſame by the Oaths of two indifferent perſons, *&c.* and the ſame to be certified under their Hands and Seals, and atteſted by the ſaid Commiſſioner, which is to be recorded at the next County Court, and ſhall be ſufficient Evidence for the Orphan, when of age, to recover double damages, for any Waſte or Diſtruction, other than what hath been certified and thought neceſſary.

XVIII. The Commiſſioners of every County Court, ſhall upon preſentment of the Orphan Jury, or other Information, of any Waſte of Deſtruction committed by any Guardian, examine into the ſame, and upon proof require the Guardian to give ſufficient ſecurity to to make ſatisfaction to the Orphan when of age, and upon refuſal a new Guardian ſhall be appointed who ſhall ſue the former for the ſaid Waſte and Damages, *&c.*

XIX. The ſeveral Deputy Commiſſaries appointed in each County as aforeſaid, are impowr'd to audite and allow ſuch accounts as come before them relating to the deceaſed's Eſtate, not exceeding 50 *l.* Sterling, and tranſmit the ſame to the Commiſſary General; for which he

ſhall

ſhall be allowed as Fee the ſum of 50 *l.* of Tobacco and no more. If any party concerned, objects againſt any Article in the ſaid accounts, the Deputy Commiſſary ſhall mark that Article, and tranſmit the accounts and all papers thereto belonging to the Commiſſary General, before whom the ſame ſhall be tryed.

XX. Widows having deviſes ſhall have their Election, to take and receive the ſame in full ſatisfaction to their claims, to the Real and Perſonal Eſtate, and be thereof bar'd for ever, or refuſe ſuch Legacies and Devices, and take the 3d part of the perſonal and Real Eſtate as Widows whoſe Husbands dye Inteſtate.

XXI. Where Widows marry ſecond Husbands, who permit the Eſtate of the firſt Husband to be Waſted and Embezll'd, to the damage of the Orphan Iſſue of the firſt Husband, ſuch ſecond Husband ſuffering Waſte, ſhall be lyable to account, and to be ſued for the ſame by ſuch Orphan if of age, or if under age by his Guardian.

XXII. The Judge for Probate of Wills ſhall hereafter take good and ſufficient ſecurity of all Executors and Adminiſtrators to the uſe of the Orphans in any Will mentioned, for the true performance of ſuch Will according to Law and intent of the Teſtator.

XXIII. Every perſon that ſhall not within 15 days after ſentence given againſt him in the Court for Probate of Wills, enter his Appeal, and within 15 days more procure examination thereof by a Court of Delegates, nor in the mean time comply with the ſentence of the ſaid Judge, or give in ſecurity to perform the ſame, the ſaid Judge may iſſue forth under his Hand and Seal an Attachment againſt the Body of ſuch perſon and impriſon him until he complies.

XXIV. When any Executor or Adminiſtrator ſhall appraiſe the Eſtate of the deceaſed, he ſhall give notice and call together two of the next of Kin, and two of the Creditors of the deceaſed, if any be, who ſhall be preſent at the Appraiſment with the ſworn Appraiſors, and ſhall certify to the Commiſſary or his Deputy that they were preſent at the Appraiſment and do approve thereof. And without ſuch Certificate no Judge or his Deputy ſhall except or receive any Inventory.

Woolves.

I. *An.* 11. *W.* 3. 1699. *p.* 58. Every person that ſhall bring the Head of a Woolve to any Commiſſioner or Juſtice of the Peace, ſhall be allowed 200 *l.* of Tobacco from the County where the Woolve ſhall be kill'd, and the ſaid Juſtice to whom the Head ſhall be brought ſhall cauſe the Tongue and Ears to be cut from the ſaid Head to prevent twice paying the ſame.

II. Juſtices at the time of laying the County levy ſhall raiſe by equal Aſſeſsment, ſuch ſums of Tobacco as they ſhall think meet for the purchaſing of Buffels or Match-coats, and to every *Indian* that brings a Woolve's Head, not having been paid for before, ſhall be deliver-ed on Match coat, containing two yards of Duffells; and ſuch Woolve's Heads ſhall be markt as aforeſaid to prevent deceit.

FINIS.

AN

ABRIDGEMENT

OF THE

Laws and Ordinances

OF

NEW-ENGLAND.

THE Planting of Collonies in the ſeveral Northern parts of *America*, having met with extraordinary ſucceſs and encouragement, the eſtabliſhing the Government of thoſe Collonies under good and wholeſome Laws, for the ſecurity of the Lives and Properties of the people, and for the Peace and Defence of their Plantations, was the next thing to be proceeded upon.

The *Engliſh* Plantation in the *Maſeachuſet* Bay, commonly call'd *New-England*, being by Pattent from King *James* the Firſt, that Pattent reſerving the Soveraignity to the Crown of *England*, gave the full Power to the people to chooſe a Governour, Council and General Court, in manner of a Parliament, who ſhould have full Power of Adminiſtration and Execution, and alſo of making ſuch Laws and Ordinances as they found convenient for the Publick Good, which Laws are contain'd under the following Heads.

A.

Age.

No person shall convey Lands or Heredetaments, or Val in Eleccons of Publick Offices, to give Verdict or pass Sentence in any Civil or Criminal Court or Cause, till they are of the Age of 21 years.

Orphans at the Age of 14 years may choose their Guardians.

No person under the Age of 21, shall Plead or be Impleaded in their own Names, in Civil Cases, but in the Names of their Parents, Masters or Guardians.

But in Criminal Cases a Minor shall answer in his proper person for such Misdemeanours as he shall commit, and may also Present or Inform of any Misdemeanour in others.

Adultery.

If any person commit Adultery, with a Married Woman or a Maid, or Woman Espoused, both the Man and the Woman shall be put to Death.

Actions.

In all Actions of Debts, Accounts, Slander, Actions of the Case concerning Debts or Account, it shall be at the choice of the Plaintiff, to Try them in what place he pleases, within the Jurisdiction of the Court where he or the Defendant dwelleth. Unless by consent under both their hands, and in such case, they may Try the Cause where they please.

All other Actions to be Tryed within the Jurisdiction where the Cause of Action did arise.

In all Actions of Trespass, where Damage is pretended above 40 s. and on hearing, the Damage shall appear to

be

be leſs than 40 *s.* the Plaintiff ſhall be Non-ſuited and pay Coſt of Suit.

No Action to be Enter'd after the 1ſt day of the Courts ſitting, and for all Actions delaid till afternoon of the ſaid 1ſt day, double Fees ſhall be paid for Entrance by the Plaintiffs, and not to be recovered of the Defendant.

Suiters Commenc'd where no Cauſe of Action ſhall appear, the Plaintiff, ſhall pay the whole charge of the County Court both for Time and Expence as far as they ſhall judge was occaſioned by him, and may further Impoſe a fine upon him as the Merit of the Cauſe ſhall require, and the like on the Defendant if they find him in fault.

Vexation accous, or Suiters to pay Treeble Damages to the party Griev'd and to be fin'd 40 *s.* to the Common Treaſury.

Appeal.

Any perſon Caſt, Condemn'd, Non-ſuited or Sentenced in any Inferiour Court, may Appeal to a Superiour Court, *viz.* the Court of Aſſiſtant, as alſo from the Sentence of any Magiſtrate or Perſon appointed to hear and determine ſmall Cauſes, to the County Court of that Juriſdiction where the Cauſe was ſo determined.

Appellant muſt tender their Appeal before the Judges of the Court they Appeal to, and put in Bail to proſecute it, and to ſatisfie all Damages before Execution.

Execution upon an Appeal not to be till 12 hours after Judgment, except by ſpecial Order of Court.

Appeals in Criminal Caſes, to give ſecurity for the Appearance, and to the good Behaviour.

Appeals in matter of Law, to be Determined by the Bench, in matter of Fact, by the Bench and Jury.

In an Appeal to the Court of Aſſiſtants, in any Capital Offence, if 2 in 5, or 3 in 7, or the like proportion of the Magiſtrates preſent, give their Judgements in favour of the Appellant, or otherwiſe deſcent from the Sentence of the Court, the Appellant may Appeal from them to the next General Court.

Appeals ſhall be Recorded at the charge of the Appellant, and certified to the Court to which they are made.

Per-

Persons Appealing, shall give their Reasons in Writing under their Hands or their Attorneys Hands, which Reason shall be given in to the Clerk of the Court, from which the Appeal is made, six days before the beginning of the Court to which the Appeal is made.

Reasons for Appeals to be without reflections on Court or Parties and in decent Language:

Appeals made and not prosecuted according to Law, the Appellant besides his Bond given to the party shall forfeit 40 *s.* to the County.

No person who has sate as Judge, or Voted in any Inferiour Court, in the Case in which he is Appealed from, shall have any Vote in the same Case in the Court, Appealed to, but the Case shall be determined by persons no way concerned in it before.

1654. In all Cases of Appeal the Court Appeal'd to shall Judge the Case according to the former Evidence, and no other, and may Reverse the former Judgment if they find Cause.

1654. But if the matter of Fact is found to agree with the former Court and the Judgment be according to Law, they may not reverse the Judgement, but may abate or Encrease Damages as they find cause.

1670. Appeals in Cases Tryable before the Courts of Assotiation in *Portsmoth* and *Dover*, may be made to their next County Court in *Portsmouth* and *Dover*, and not to the Court of Assistant at *Boston* as formerly.

Appearance.

A. 1641. No Man be punished for not Appearing before any Civil Assembly, Court, Council, Magistrate or Officer, nor for the omission of any Office or Service, if necessarily hindred by any Act of Providence, which he cou'd neither foresee nor avoid.

Provided this Law shall not prejudice any person of his just Cost or Damages in Civil Action.

Apparel.

No person whose Visible Estate Real or Personal shall not exceed the value of 200 *l.* shall wear any Gold or

Silver

Silver Lace, Gold or Silver Buttons, or any Bone Lace above 2 *s. per* yard, or Silk Hoods or Scarfs, on the penalty of 10 *s.* for every Offence, and the Offendor to be preſented by the Grand Jury.

The Select Men of every Town, or the major part of them may take notice of the Apparel of their reſpective Inhabitants, and ſuch as they ſhall judge to exceed their Ranks and Abilities, in the Coſtlineſs of their Apparel, eſpecially in wearing Ribbands, or great Boots, (Leather being ſo ſcarce a Commodity in this Country) Lace, Point, Silk Hoods, Scarfs, *&c.* the Select Men may cauſe ſuch perſons to be aſteſted in the Country Rules at two hundred pounds Eſtate, and cauſe them to pay as ſuch Men pay, to whom ſuch Apparel is ſuitable and allow'd.

This Law not to extend to Magiſtrates, or publick Officers or their Wives or Children, or any ſettled Miltitary Officer, or any Souldier in time of Service, or any who have had any Education above the Ordinary Degree, or any who have had Eſtates to allow it, tho they may be decayed. *A.* 1651. *P.* 5.

Apparel exceeding the Quality and Condition of the perſon or Eſtate to be preſented and adjudged by the Grand Jury or the County Court where ſuch complaint is made, this party to be admonſhed upon Conviction for the firſt Offence, to pay 20 *s.* for the ſecond 40 *s.* the ſecond 40 *s.* for the third and 40 *s.* for every Offence afterwards the Fines to be paid to the Treaſury of the County. *A.* 1662.

A Taylor making Cloaths or Garments for any Children or Servants, under Government, contrary to the mind and order of their Parents or Governours, ſhall for the firſt Offence be admoniſhed, and for the ſecond Offence ſhall pay double the value of the Garment ſo made, half to the Owner and half to the County. *A.* 1662.

All Grand Jury Men are enjoyn'd to preſent all Officers in Apparel. *A.* 1662.

Arrests.

No Man ſhall be Arreſted or put in Priſon for Debt, if the Law can find any competent means of ſatisfaction from his Eſtate, except in ſpecial Contracts *A.* 1641.

In caſe no ſatisfaction can be obtained by Law, he may be Arreſted and Impriſoned, where he ſhall lye at his own charge, not the Plaintiffs, till ſatisfaction be made, unleſs the Court ſhall otherwiſe determine.

No perſon ſhall be kept in Priſon for Debt, but when their is an appearance of ſome Eſtate conceal'd. *A.* 1641.

Any Court or Commiſſioner Authoriz'd by the General Court, may Adminiſter an Oath to the Priſoner for the diſcovery of any Eſtate conceal'd, and for his Releaſe, but if the Priſoner be Releaſed upon his Oath he ſhall ſatisfie by Service, if the Creditor Require it, but ſhall not be ſold to any but of the *Engliſh* Nation. *A.* 1647.

The Goaler or Keeper ſhall not ſtand charg'd with Victuals and Neceſſaries for any Priſoner in Civil Actions, and in Caſe the Priſoner hath no Eſtate, and will depoſe upon Oath that he is not worth 5 *l.* the Plaintiff ſhall provide for his Relief or elſe the Keeper ſhall not ſtand charg'd with him.

All ſuch charges the Plaintiff ſhall have power to Levy by Execution if he can find Effect,

No Priſonet ſhall be ſuffered by the Keepers to go at Liberty without the Precincts of the Priſon, without Licence of the Court that committed him, or of the Creditor for whom the Execution is Granted, the Keeper to be fin'd at Diſcretion, and to pay the Debt. *A.* 1662.

Attachments.

The Plaintiff if he be a ſettled Inhabitant, may Summon or Attach the Defendant as he pleaſeth. But if he be a Forriegner, no Attachment ſhall be granted him againſt a ſettled Inhabitant, without ſecurity firſt given to proſecute his Account, and to ſatisfy ſuch Coſts in caſe he be Caſt, as the Court ſhall award.

Legal

Legal notice ſhall be given of all Attachments of Goods and Chattels, Lands or Hereditaments, by writing left at the Houſe or uſual place of Abode of the Defendant, otherwiſe the ſuit ſhall not proceed.

If the Defendant be out of the Juriſdicton of that Court where the Attachment lyes, the Cauſe ſhall go on to Tryal, but Judgment ſhall not be entered till the next Court, and one default of Appearance, Judgment ſhall be entered but Execution ſhall not be granted, till the Plaintiff has given ſecurity to be Reſponſible to the Defendant, if he ſhall reverſe the Judgment within one year or ſuch further time as the Court ſhall direct.

All Original Proceſs, whether by Summons or Attachment ſhall expreſs in whoſe Name the Plaintiff ſueth, whether in his own, or as Executor of the laſt Will and Teſtament, or Adminiſtrator of the Goods and Chattels or Aſſigne, Attorney, Guardian or Agent for ſuch or ſuch a Man, whoſe Names ſhall alſo be expreſs'd at length in the ſaid Proceſs, or otherwiſe if exception be taken before the Parties joyn Iſſue, it ſhall be good, and the Plantiff ſhall pay Coſt. 1642. 1651.

Marſhals may ſerve Attachments, in any Town under the Juriſdiction of that Court, where the ſaid Marſhal is an Officer, 1641 notwithſtanding the Law directs that all Attachments ſhall be directed to the Conſtables, in ſuch Town where no Marſhal dwells.

Provided no more Coſt be charged on the Defendant than by Law are due to Conſtables for Attachments 1662.

B.

Bakers.

Every Baker ſhall have a diſtinct mark for his Bread, and ſhall be obliged to the Aſſizes of Bread, ſettled in proportion to the ſeveral prices of Wheat as follows.

When

When Wheat is at

	White.		Wheaten.		Houſh.	
3 *s.* 0 *d. per* Buſhel, the Bread muſt Weigh, each penny Loaf.	*l.*	*q.*	*l.*	*q.*	*l.*	*q.*
	11	1	17	1	23	0
3 6	10	1	15	1	20	2
4 0	9	1	14	0	18	2
4 6	8	1	11	3	16	2
5 0	7	3	11	2	15	2
5 6	7		10	2	14	0
6 0	6	2	11	0	13	0
6 6	6	0	9	2	12	2

Bread.

All Bread found under Weight to be forfeited to the uſe of the Poor of the Town, where the Offence is committed.

Every Market-Town ſhall have two perſons Annually choſen to be Sworn at the next County Court, or by the next Magiſtrate, and to have power with or without a Conſtable, to enter into any Houſe where they ſhall ſuſpect or be informed that Bread is Baked for ſale, to Weigh the Bread and Sieze all ſuch as ſhall be found defective.

The Officers ſhall have one third of all forfeitures to themſelves, the reſt to the Poor.

Brewers.

None may undertake the Trade of Brewing for Sale or Shipping, but ſuch as are known to have good Judgment and Skill in the Art and Miſtery of a Brewer.

If any Beer bought of a Brewer for any Ship or Veſſel, to be us'd at Sea, proves unfit, unwholſome and uſeleſs for their ſupplies, either thro the Inſufficiency of the Mault, or defect of the Brewing or unwholſome Cask, the perſon ſo wronged may recover equal damage by Action againſt the perſon that ſold the Beer.

Bar-

Barratry.

If any man be prov'd or judg'd a common Barrater, vexing others with unjust, frequent and endless Suits, the Court may both reject his Cause and punish him for his Barratry. 1641.

Ballast.

No Ballast shall be taken from any Town Slow, without allowance under the Hands of the Select men of that Town, under penalty of six-pence for every shovel-full.

But any person may take up such Stones or Ballast as they themselves had cast out and laid there before.

No Ship or Vessel may cast out any Ballast in the Channel of any Harbour, or in any place inconvenent to any Harbour, under penalty of 10 *s.* *A.* 1546.

Benevolence.

No Benevolence shall be granted except in Forreign occasions, and when there is Mony in the Treasury, and and the publick Debts first satisfied. *A.* 1641.

All Gifts and Legacie given and bequeath'd to Col ledge Schools of Learning or any other publick use, shall be truly and faithfully disposed of according to the true and declar'd intent of the Donor.

The County Court may take cognizance of all Gifts and Legacies, to publick uses as aforesaid, and may require an account of all persons who are trusted to receive or improve such Gifts or Legacies, and Pleas see Cause may appoint Feofees of trust to settle and Mannage them according to the will of the Donors.

Bills Assigned.

Bills or other Specialties may be assigned, and the right of account shall be in the Assignee so that he may

ſue for the ſame in his own name or by Attorney, provided the ſaid Aſſignement be made by Edorſment on the back of the ſaid Bill or ſpeciality.

Bond-men.

No Man ſhall buy or ſell any Slaves, nor no perſon ſhall be ſubject to Slavery, Villenage or Captivity unleſs ſuch as are Lawfully taken in the Wars, and ſuch to have Chriſtian uſage, and ſuch Liberties as was allowed to Bond-men by the Laws of *Moſes*. *A.* 1641.

This ſhall not extend to Exempt any from ſervitude, who ſhall be adjudged thereto by Authority.

Bounds of Lands.

Every Town ſhall ſet out their Bounds, within 12 months after the ſame is granted.

The Select Men of every Town ſhall once in 3 years begin at the time of the firſt ſetting out of bounds appoint 3 or more perſons, Inhabitants of the Town, who together with the adjacent Towns ſhall go the Bounds betwixt their reſpective Towns and renew their marks.

The marks or Boundaries of Towns muſt be a great heap of Stones or a Trench Dug in the Earth, ſix Foot long and two foot broad, the moſt ancient Town to give notice to the other of the time of the Preambulation.

The time for renewing of Marks, and ſetting out Bounds of Towns ſhall be in the firſt or ſecond month, and every Town that ſhall neglect the renewing their B unds ſhall forfeit 5 *l.*

The three Men appointed to renew the Bounds ſhall go at the charge of the reſpective Towns, and be under the direction of the ſelect Men of the ſaid Town.

If any particular perſon has Lands in common with any Town or other particular perſon, he ſhall go the Bounds betwixt his Lands and other Mens once every year, in the firſt and ſecond Months, and if being requeſted ſo to do he ſhall refuſe or neglect he ſhall for-

forfeit for every day 10 *s.* half to the party requesting him, and the other half to the Town. *A.* 1651.

Breach of the Peace.

If any Man shall beat, strike or hurt any other person, he shall pay to the party striken, beaten or hurt, or by fine to the County or both such summ or summs at the County Court, Magistrate, Commissioner or Associate, who are left at Descretion to judge according to the circumstances of the Offence, the danger of the Wound, the Weapon us'd, the time, place, person, provocation or other merit of the case.

To keep possession of any House or Land by force, after Execution upon the judgment Legally obtained and duly sued, or to enter again upon the said House or Land, and keep possession by force, shall be deem'd a Breach of the Peace, and the Magistrate shall in such case give Warrant to the Mareschal or Constable, or such Officer as he thinks fit; the said Mareschal or Officer requiring aid as he finds occasion, by Force to give possession to the Plaintiff, and shall commit the Offendor their aiders or abtttors.

The Offendor shall answer the said Breach of the Peace at the next sitting of the same Court where the judgment was obtained, and the said Court may set such fine or other punishment upon them as the merit of their several cases doth require.

Bridges.

Bridges shall be made and repaired in such places and in such manner as by the County Court or a Committee appointed by them shall be found necessary.

Bridges shall be made and repaired at the charge of the County, and shall be proportioned by the Magistrates in each County Court, to be levy'd upon the several Towns in each County, according to the direction of the Law for County rates.

If any Bridge or High-way be defective, and due warning be given to the select Men of the Town, in whose bounds the said defect is, in writing under the Hand of two person Witnesses to the said warning, or

after legal presentment of the same to the County Court, and it shall happen that any person in passing the said defective Bridge or High-way shall lose his Life, the County or Town which ought to secure or repair the said Bridge or High-way, shall pay a fine of one hundred pounds to the Parents,; Children, Husband, Wife or next of Kin to the Deceased.

If any person lose a Limb, break a Bone, or recover any Bruise or Breach in any part of their Body thro such defect of any Bridge or High-way, or any damage happen to any Team, Cart or Cartage-Horse or other Beast or to their loading, the County or Town thro whose neglect such hurt or damage is sustained, shall pay to the party hurt or damaged, double damages, due notice being first given as in case of Life.

Any Magistrate is impowered to issue out Warrants to the Constable, upon the request of any Town or other person imployed to repair any Bridges or Highways, to impower them to Impress such Workmen, Carts or Horses in their proper Town-ships as shall be needful for the securing and repairing the same, who shall be paid for their work by Town or person to whom such Bridge or Passage do belong. *A.* 1648. 51. 59.

Burglary and Robbery.

All Burglary's or Breaking up of any Dwelling-house, Ware-house, Shop, Mill, Malt-house, Barn, Ship on Shoar or Out-house; and all Robberies commited on the person of any Man or Woman, in the Field or High-way, shall be punished for the first Offence with Branding on the Forehead, with the Letter (*B.*) for the second Offence the Offendor shall be Branded again and severely whipped, and for the third Offence, shall be put to Death. *A.* 1642.

If the said Burglary or Robbery be committed on the Lords-Day, he shall besides the former punishments ose one Ear for the first Offence, and the other Ear for the second, and dye for the third as before. *A.* 1647.

Bastardy.

The Father of a Bastard Child legally Covicted, shall maintain and bring up the Child at his own charge, or shall pay a certain allowance to the Mother at the Court from time to time, according as circumstances shall appoint.

The Oath of the Woman accusing any Man of being the Father of a Bastard Child, where other Proof is wanting, shall be sufficient evidence to make the person liable to the charge of maintenance, but not to any punishment, due by the Law in cases of Fornication or Adultery, except the circumstances shall tender it doubtful to the Court in which case they may acquit him.

Blasphemy.

If any person whether Christian or Heathen, shall wittingly and willingly Blaspheme the Holy Name of God, Father, Son or Holy Ghost, with direct express presumptuous Words of Blasphemy, as by willful or obstinate denying the true God or his Creation or Government of the World he shall suffer Death.

If any person shall Curse God or his Holy Religion and Worship, or shall utter any other kind of Blasphemy or such Words as shall be adjudged Blasphemy he shall suffer Death.

Beastiality.

If any Man or Woman shall lye with a Beast or Bruit Creature by Carnal Copulation, they shall be put to Death, and the Beast shall be slain and Buried not Eaten.

Burgesses, &c.

Free Burgesses must be Members in full Communion of some gathered Church or Congregation, and of such

Church as is or ſhall be gathered by the Conſent of other Churches already eſtabliſhed in the County.

Free Burgeſſes may chooſe out of their own Body, ſuch fit and able Men as they ſhall approve to be the Ordinary Judges in inferiour Cauſes in their reſpective Towns.

Free Burgeſſes may chooſe their Deputies and Committees, who joyn'd with the Governour and his Aſſiſtants to make up and Conſtitute the General Court or repreſentative of the Counties.

C.

COURTS.

The General Court.

The General Court conſiſting of Magiſtrates and Deputies, is the chief Civil Power of this Common Wealth.

The General Court only hath power to raiſe Money and Taxes upon the whole Country, to give and confirm properties of Land appertaining to and immediately derived from the Country.

The General Court hath the only ſupream Legiſlative Power, and the only power of Judicature, by Impeaching and Sentencing any perſon or perſons according to Law and by hearing, receiving and redreſſing the Complaints and Grievances of the People.

The General Court may not proceed to Judgment in any Cauſe, Civil or Criminal, before the Deputies have taken the following Oath.

I Do Swear by the Moſt Great and Dreadful Name of the Ever Living God, that in all Caſes wherein I am to deliver my Vote or Sentence againſt any Criminal Offence, or between Parties in any Civil Caſe, I will deal uprightly and juſtly, according to my Judgment and Conſcience, and

I will according to my Skill and Ability assist in all other Publick Affairs of this Court. faithfully and truly, cccording to the duty of my place, when I shall be present to attend the servise.

This General Court, as they consist of two parts Magistrates and Deputies shall sit and act apart, in two distinct Bodies, or Bills, Acts, Laws or Orders agreed on each House, shall be transmitted to the other House, to receive the ascent or descent of the said other Body.

No Act of either Body shall pass or be accounted a Law or Act of the General Court, until it hath pass'd the majority of both Bodies or Houses, *viz.* without the consent of the major part of the Magistrates in one Body, and the major part of the Deputies in an another Body.

All Acts, Orders and Conclusions that have duly pass'd by the majority of both Magistrates and Deputies as aforesaid, shall be accounted Laws and Acts of the General Court, and shall be Engrossed accordingly, and shall on the last day of every Session, be read deliberately over before the whole Court in one united Body.

If the Magistrates and Deputies happen to differ in any matters of Judicature, whether Civil or Criminal, the said difference shall be decided by the majority of Votes of the whole Court met together.

The Governour, Deputy Governour or a majority of the Assistants may at any time upon urgent occasion call a General Court, but no General Court shall be Dissolved or Adjourned without the consent of a major part of themselves.

The Governour shall have the casting Vote, when ever there shall be an *Æqui Vote* in the Courts of Assistants or Genetal Court, and the President or Moderator in all Civil Assemblies.

The General Court, Assemblies by Warrant of the Governour or Deputy Governour, once every Quarter or Half-year, or oftner as affairs may require.

The General Court may call the Governour, and any of or all the Magistrates to an account, for the breach of any Law or any other Misdemeanour, and may censure them as the merits of the case may require.

The General Court may hear and determine causes without Appeal, and may cite any Cause depending in another Court, to be brought before them, and may assume the cognizance of the said Causes.

Courts of Assistance.

Two Courts of Assistance shall be held yearly at *Boston*, composed of the Governour, Deputy Governour and the Magistrates of *Boston*, who shall meet on the first *Tuesday* in *March*, and the first *Tuesday* in *September*.

The Court of Assistance may hear and determine all Actions of appeal from Inferiour Courts, all Capital and Criminal Cases, extending to Life, Member or Banishment, all Causes of Divorce.

The Governour, or in his absence the Deputy Governour, as they shall judge necessary, may call a Court of Assistance for the Trying of any Malefactor in Capital Causes.

County Courts.

County Courts shall be held in every respective Counties to consist of the Magistrates living in the respective Counties, or any other Magistrates that can attend, and such Magistrates together with such other person of worth at the General Court shall at any time, where they find there is need, appoint at the nomination of the Free-men of the County, who shall be joyn'd in Commission with the Magistrates, which persons so Commissioned, must be five in number, three whereof may hold a County Court provided there be one Magistrate.

The County Courts may hear and determine all Causes Civil or Criminal, not extending to Life, Member or Banishment, make and constitute Clerks, and all other Offices for the County, summon Juries for the Inquest, or of Oyer and Terminer from the several Townships.

The times for the holding the County Courts are as follows.

SUFFOLK County at *Boston.*

The last *Tuesday* in *April*, *July*, *October* and *January* in every Year.

NORFOLK.

At *Salisbury*, the second *Tuesday* in *April*; at *Hapton* the second *Tuesday* in *October*.

ESSEX.

At *Salem*, the last *Tuesday* in *June* and *November* at *Ioswich*, the last *Tuesday* in *March* and *September* *Piscataqua* at *Dover* and *Portsmouth*, the last *Tusday* in *June*.

MIDDLESEX.

At *Charles* Town, the third *Tuesday* in *June* and *December*; at *Cambridge*, the first *Tuesday* in *April* and *October*.

YORK-SHIRE.

At *York*, the first *Tuesday* in *July*.

HAMP-SHIRE.

At *North-Hampton* the last *Tuesday* in *March*; at *Springfield*, the last *Tuesday* in *Sept.*

Courts

Courts Special.

In any Case concerning any **Stranger,** who cannot without prejudice attend in the **County till the** sitting of the Ordinary Court, the Governour or Deputy with any two Magistrates, or when they cannot attend it, any three Magistrates, may upon the request of such Stranger and one or more other Strangers, or between such Stranger, and any other person, tho the said causes where otherwise Tryable in other Courts.

The Records of the proceedings in any Special Court shall be transmitted to the Records of the Court of Assistance, and entered there, in the Records from other Courts, the Charges of such entry to be paid by the party who is cast in the Suit. *A.* 1659.

Any Court may receive an Action from a Stranger against any person not Residing or Inhabiting in the Country, and upon proof made of Legal Summons shall proceed to Judgement in the case.

All Criminal Cases, whether the Offendor be in Custody or under Bayl shall be tryed at the next Court that hath cognizance of such Cases. *A.* 1641.

No Court shall transfer a Case coming before them, and proper for their cognizance, whether Civil or Criminal, to the hearing and determination of another Court.

But in case of difficulty any Court may state the matter of fact, leaving out the Parties Names, and present it to the General Court for their opinion, who shall resolve it, and according to the said resolution the Inferiour Court shall proceed to Judgment and Execution at their next meeting. *A.* 1654.

Every Court in this Jurisdiction, has power to admit Free-men, provided they are Church Members and may give them the Oath, and the Clark of the respective Courts, must certifie their Names to the next General Court. *A.* 1941.

Any one or more of the Magistrates may adjourn any Court of Justice, if they see cause as much as if all the Magistrates had been present, and all Jury Men, Witnesses and Parties Summoned to attend, are bound by such adjournments and shall not be Summoned again and

and all proceedings are to receive in force, as if the ordinary course of time had been continued. *A.* 1661.

The Clerks and Recorders as well of the Publick Courts of Justice, County Courts or other Special Courts shall be Sworn to the faithful discharge of their Offices, before they are admitted to act in any of the said Courts.

The Court of Assistance must be seven, whereof the Governour or Deputy Governour, to be one, but in extream and urgent necessity, when also means have been us'd to get together more of the Members and the business will not admit of delay, the Acts of so many as do assemble are sufficient and valid.

Cruelty.

No Man may exercise any Cruelty, upon any Brute Creatures kept for Labour or Use of Man. *A.* 1641.

No Man may inflict cruel Punishments or Correction upon Servants or Children, nor shall any Sentence of any of the Court of Justice, Condemn any person to be Beaten or Whipped with more than 40 Stripes.

Conveyances.

No Sale or Alienation of Lands or Tenements shall be holden good in Law, except the same be done by Deed in Writing, Signed with the Hand, and Sealed and Delivered, and possession given upon the Premises of part in the name of the whole by the Seller, or some one authrized and impowered by Writing under Hand and Seal, to deliver the Possession. *A.* 1652.

All Deeds and Conveyances of Lands or Tenements, wherein any Estate of Inheritance is to be posted, the clause of Conveyance shall be in these Words, *viz. To Have and to Hold, the said Premises Respectively to the Party or Grantee, his Heirs and Assigns for ever.*

If it be an Estate Entail'd, it shall be express'd thus, *To Have and to Hold,* &c. *to the Party or Grantee, and to the Heirs of his Body Lawfully begotten; or to the Heirs Male of his Body, Lawfully Begotten, between him and such or such an one his present Wife, or to Have and to Hold*

Hold the Grantee for Term of Life, nor for so many years. A. 1651.

Lands given or granted, or to be granted by the Inhabitants of a Town, are not obliged to the form prescribed by the Law in case of Common Conveyances.

Former Deeds and Conveyances remain good and valid, notwithstanding any prescrib'd method since past into a Law.

Promises, Deeds or Conveyances obtained by Illegal violence, Imprisonment, Threatning or any kind of forcible compulsion shall be void. *A.* 1641.

Fraudulent Alienations and Conveyance of Lands Tenements or Hereditaments shall not defeat any Man of his due Debts or Legacies, or from any just Title, Claim or Possession of the Lands or years so fraudulently conveyed.

No Grant, Sale or Mortgage of any Lands, Tenemants, Rents or other Hereditaments, where the Grantee, Seller or Mortgager remains in possession, shall be in Force, except against the Granter himself or his Heirs, unless the same be acknowledg'd before some Magistrate and Recorded according to Law.

All former Grants made before the last *October*, 1640 shall be entred before the Magistrate before the end of one month, from the said last of *October*, 1640 or else shall not be of force against any but the Granter and his Heirs.

If the Granter be not in the jurisdiction, he shall enter within 3 months after his return.

If such Granter being required by the Grantee, his Heirs or Assigns shall refuse to make an acknowledgement of any Grant, Sale, Bargain or Mortgage made by him, the Magistrate may commit the person so refusing to Prison without Bayl or Mainprise, until he shall acknowledge the same, and the Grantee may enter his caution with the Recorder of the County Court, and such caution shall secure his Interest in the mean time.

The Clerk of every County Court shall enter all Grants, Sales, Bargains or Mortgages, together with the Names of the Granter and Grantee, and the paticulars of the Estate granted, together with the date thereof. *A.* 1642.

Con-

Constables.

The Conſtable ſhall execute the Judgment of Authority on the perſons of Criminals in their reſpective Towns, unleſs they can get another to do it for them.

The Conſtable ſhall collect all ſuch Rates and Aſſeſſments, as ſhall from time to time be committed to them by Warrant, under the Hands of the ſelect Men of their reſpective Townſhips.

Offendors commited to the charge of the Conſtable ſhall be by him received, and forthwith convey'd from Conſtable to Conſtable, till they are brought to ſome Magiſtrate who may diſpoſe of them as the Juſtice of the Cauſe ſhall require.

The Conſtable ſhall receive and duly put forward all Hue and Cryes, for the diſcovering and apprehending of Theives, Robbers Houſe Breakers or other Capital Offendors.

Where no other Magiſtrate is near, the Conſtable has full power to make, ſign and ſend forth perſuit, or Hue and Cry after Murderers, Manſlayers, Peace-breakers, Theives, Robbers, Burglaries and other Capital Offendors.

The Conſtable may apprehend without Warrant ſuch as are in Drink, Swearers, Sabbath-Breakers, Lyars, Vagrants, Night Walkers, provided they be taken in the manner.

The Conſtable may ſearch for all ſuch Offendors, when there ſhall be occaſion in all Publick Houſes, or in any other ſuſpected places, and may apprehend them and keep in cuſtody, till he can bring them before the next Magiſtrate.

But if the Conſtable be imployed by the Magiſtrates, he ſhall not act without Warrant in Writing.

If any perſon being required to aſſiſt the Conſtable in ſearching for or Apprehending any Offendor ſhall refuſe his Aſſiſtance, they ſhall fofeit ten Shillings, to the uſe of the Country to be levy'd by Warrant from any Magiſtrate before whom the Offendor ſhall be brought.

If the ſaid refuſal was wilfully, obſtinately and contemptuouſly made, he ſhall forfeit 40 s. to the uſe of the County.

Every

Every Constable shall have a black Staff of five foot long, tipped at the upper end five inches with Brass, as a Badge of his Office, which he shall take with him when ever he acts as Constable, the Staff to be provided at the charge of the Town.

If any Constable refuse or neglect his duty in prosecuting Hue and Crys, after any Capital Offendors, he shall forfeit for every Offence. 40 *s.* *1646.*

The charge of Hue and Cry, after persons escaping from the Countys Prison, or flying from justice shall be paid by the General Treasurer of the County, and after persons flying from any County Goal, shall be defrayed by the Treasurer of the respective County. But the charge of Hue and Crys procur'd on private occasion shall be paid by the person for whom the same were Granted.

Constables may Arrest by Writ, serve Summons and Attachments, in such Towns where no Marshal dwells.

Condemn'd Persons.

No Man Condemn'd to dye, shall be Executed within 4 days next after his Condemnation, except in case of Martial Law, or some special Cause to the contrary.

No Man put to Death shall remain Unburied twelve hours, unless in case of Anatomy.

The Secretry of the General Court shall Sign all Warrants for the Execution of Condemn'd Criminals.

Clerks.

In every Town within this Jurisdiction, there shall be a Clerk of the Writs, to be nominated by the respective Towns and allow'd by the County Court.

The Clerk of the Writs, shall Grant Summons and Attachments in Civil Actions, Summons for Witnesses, Grant Replevin and take bounds and securities for prosecution of Suites Commenc'd.

The Clerks of the Writs may receive as his Fees for every Warrant two pence, an Attachment Replevin three pence, and a Bond four pence, and no more for himself, and three pence more of Attachments, on behalf of the Mareschal General.

Chyrurgeons and Midwives.

No Surgeon Midwife or Physitian, may upon the Body of any person perform any Operation, Cure or Practice of Art, tho never so agreeable to the Rules of Practice, without the consent of the Patient, if they be *Mentis Compotes*, and of their nearest Relations, if they be not. Nor upon the Body of any Child, without the consent of the Parents or Guardian of the said Child.

Children.

All Parents and Masters of Families are obliged by themselves or others, to Teach or Cause to be taught, all their Children, so much Learning as they may be able to Read perfectly the *English* Tongue, upon penalty of 20 *s*. for every Offence.

All Masters of Families, are to teach their Children and Apprentices, the knowledge of the Capital Laws, on penalty of 20 *s*. for every Offence.

Masters of Families are to Catechize or cause to be Catechized, their Children and Apprentices at least once a week, in the Grounds and Principles of Religion.

The select Men of every Town, may examine the Children and Apprentices, in any Family within their respective Towns, and if they find them Rude and Ignorant they shall admonish the Parents and Masters, and in case of continued neglect, may with the consent of two Magistrates, or the next County Court, take such Children or Apprentices from them, and place them with such other Masters as will reduce them to Government and Instruction. *A*. 1642.

Children so removed by the Magistrate, shall be oblidg'd to serve the Masters they are placed with; Males till the age of one and twenty, and Females to the Age of eighteen years.

If any Child or Children, above sixteen years old, and of sound Understanding, shall smite with the Hand, or Curse with the Mouth, his or their Natural Father or Mother, he or they shall be put to Death, unless it can be prov'd that the Parents have been Unchristianly

christianly negligent in their Education, or have so provok'd them by extream and cruel Correction, that they have been forc'd to it in their own defence.

If any Parent have a Stubborn and Rebellious Son, of sixteen years of Age and of sound Understanding, his Father and Mother, being his Natural Parents, accusing him of Stubborness and Rebellion, and other notorious Crimes, he shall be put to Death.

If Children or Servants behave themselves disobediently or disorderly towards their Parents or Masters, upon complaint made, any one Magistrate, may Grant a Warrant to the Constable, to bring the Offendors before him, and upon proof of the Fact, may appoint such Corporal punishment, by whipping or otherwise, as in his Judgment he shall think meet, not exceeding ten Stripes for every Offence.

Or the Magistrate may bind the Offendor, to appear at the next County Court.

Any person convicted of entertaining or enticing Children or Servants from their Parents, Masters and Employments, either in Publick Houses or otherwise, shall forfeit for every Offence 40 s.

Any person who shall Lend Money, or give Credit of Good to any Youth, or other person under the Age of one and twenty years, without order from their Friends in Writing under their Hands, they shall lose their Debts, and if the Youth or Person under Age, commit any Crime by means of such assistance, whereby he or they shall incur any penalty, the Party so Lending or Crediting him, shall pay it as if the Crime had been their own.

If any Parent or Guardian shall unreasonably and wilfully deny any Child timely and convenient Marriage, upon complaint made to Authority, they shall be redressed. 1641.

No Orphan during their Minority, not committed to Tuition or Service by their Parents during their Life time, shall be absolutely disposed of by any Guardian or Tutor, without the consent of some Court wherein two of the Court of Assistants to be present.

In case of Marriage of an Orphan, the majority of the select Men of the Town, shall be deem'd a sufficient ascent to the disposal of the person.

The

The Minority of Women in the caſe of Marriage ſhall be ſixteen years. *A. 1646.*

Charges of the Publick.

No Governor, Deputy Governor, Aſſiſtant, Aſſociate, Grand or Petty Jury-Man, Deputy for the General Court, or Commiſſioner for Military Diſcipline, ſhall be obliged to meet or attend the publick Affairs at their own charges, but their neceſſary expenees ſhall be defray'd, either by the Town, or Shire, or Country in general, according to the ſervice they are upon.

Every Inhabitant ſhall contribute to all charges both in Church and State, to be aſſeſt by the Country Rates and levy'd on Defaulters by Diſtreſs.

The Lands and Eſtates of all perſons ſhall be rated in the Towns wherein they lye, and their perſons in the Towns where they dwell.

The Treaſurer for the time being, ſhall once every year in the month of *July*, without expecting any order, Iſſue out his Warrant to the Conſtables of every Town, to Summon the Inhabitants of every Town to chuſe a Commiſſioner for Aſſeſſments.

The Commiſſioner for Aſſeſſment, together with the ſelect Men of every Town, ſhall once every year in the month of *Auguſt* make an exact Liſt and Survey of all the Male perſons from ſixteen years old and upward, and all the Eſtates Real and Perſonal belonging to, or reputed to belong to any of the Inhabitants, or under their cuſtody and management, and ſhall Aſſeſs and Rate the ſame to pay to the uſe of the publick according to the following, rates (*viz.*) Every perſon except Magiſtrates and Elders of Churches, *twenty pence per Head.* And all Eſtates, whether Real or Perſonal, *one penny per pound.*

The Eſtate of Merchants, Shop-keepers and Factors ſhall be rated by common Eſtimation, at the Diſcretion of the Aſſeſſors, having regard to their reputed Stock or Eſtate, whether it be viſible or not, and if the perſon ſo Tax'd can make it appear that they are over rated, the Aſſeſſors may remit part as they ſee cauſe, or they may complain to the General Court.

Cattel ſhall be Rated by the following proportion, every Bull or Cow of 4 years old, at 3 *l.* value. Every

Heifer or Steer from 3 to 4 years, at 2 *l.* 10 *s.* from 2 to 3 years at 2 *l.* and from 1 to 2 years, at 1 *l.* Every Ox of 4 years, at 5 *l.* Every Horſe or Mare of 3 years old and upward at 5 *l.* from 2 to 3 at 3 *l.* 1 year to 2 at 1 *l.* 10 *s.* Every Ewe or Wether Sheep, above 1 year old, 10 *s.* Every Goat above one year at 8 *s.* Every Swine above one year old at 20 *s.* Every Aſs above 1 year old, at 2 *l.* and all Cattel under a year old. And all Hay and Corn in the Hand of the Husbandman are exempted from this Tax, becauſe Tax'd already in the Land.

Trades-men and Artiſans to be Rated by Eſtimation of their profits, but all perſons diſabled from their Employments by Sickneſs, Lameneſs or other infirmity, to be excepted.

Children and Servants that take no Wages, their Parents or Maſters ſhall be Tax'd for them.

The Commiſſioners ſhall meet the firſt *Wedneſday* in *September* in the Shire Town of every County, to compleat the Book of Aſſeſſment and the Liſt of Males, and having ſign'd them ſhall Tranſmit them to the Treaſurer who ſhall Iſſue his Warrent to the Conſtables for the Collection, the whole to be levy'd and and remitted to the Treaſurer before the 20th of *November* every year.

Every perſon Tax'd ſhall pay to the Conſtable both for himſelf and his Land in the ſame Town where he is Aſſeſſed, and the ſaid Conſtable, if the Treaſurer require it, ſhall convey the Money collected to *Boſton*, and may Preſs Boats or Cart(for the carriage of it, the charge to be allowed in his accounts.

Peculiar Eſtates not laid to any Town ſhall be Rated and Aſſeſſed in the next adjacent Town.

Commiſſioners or ſelect Men, neglecting to compleat or tranſmit to the Treaſurer the Liſts and Aſſeſſments of his or their Town or County ſhall forfeit 40 *s.* for every Offence, or make good the damage the County ſhall ſuffer, not extending 40 *s.* for every Offence, provided Information be given, or complaint made within ſix months.

The Officer upon non payment of the Rates Aſſeſſed may Deſtrain any ſort of Goods or Cattel, and if no Goods, Land or Houſes, and if no effect can be found, may attach the Body of the perſon and detain him in Priſon till the next County Court, or till payment be made, or ſecurity given.

Cows

Cows ſhall be taken in payment upon any Rate, at the Prices ſet by the General Court from year, to year and if noprice be ſet, then at the price currant to be judg'd by the Commiſſioners of *Eſſex*, *Middleſex* and *Suffolk*.

No Man ſhall be Aſſeſſed for any Lands he poſſeſſes in *England*.

Conſtables ſhall clear their accounts with the Treaſurer before the 1ſt of *May* every year, on the penalty of 5 *l*.

Conſtables charg'd with any Aſſeſſments, may continue to finiſh and collect the ſame, and may Deſtrain on non payment, altho their Office of Conſtable be expired, and on non payment of the Money by them collected, the Treaſurer may Deſtrain the Goods of the Conſtable.

If the Conſtable neglect to pay the Money to the Treaſurer, and the Treaſurer neglect to Deſtrain it, he ſhall be anſwerable to the County, and if any Conſtable is not able to make payment, the Treaſurer ſhall Deſtrain any able Man or Men in the Town, who ſhall pay the Money, and upon Petition to the General Court, ſhall have a Warrant to collect it over again upon the Town with reaſonable damages upon the arrival of any Stranger or Foreigner, with Cargoes of Merchandizes, to be ſold or diſpoſed in the Country, the ſelect Men of the Town where ſuch do arrive, ſhall Aſſeſs all ſuch Strangers, according to the Cargoes of Goods they bring with them, and if they refuſe to give a particular of their value they ſhall aſſeſs them according to their opinion of their value in proportion to a ſingle rate, payment to be made and levy'd as in other caſes, by Warrant from the ſaid ſelect Men.

Miniſters regularly ordain'd, and over ſome Church regularly conſtituted by the Laws of this Country, are exempted from all Taxes for themſelves or Eſtates.

Cattle.

All Cattle ſhall be markt, and every Town ſhall give a diſtinct Brand or Mark, which ſhall be appointed by the County Court, and the Clerk of the Writs in every Town ſhall keep the Copy of all the Marks ſo ſettled.

The Mark ſhall be plac'd on the home left Buttock or Shoulder of all Cattle, which feed in open Common without keeper.

Any Cattle not markt, committing any Treſpaſs, the Owner ſhall pay double damages.

No perſon knowing or having notice of any Beaſt which is unruly, and us'd to breaking Bounds or Fences, ſhall ſuffer ſuch Beaſt to feed in Common, or in any Ground next to Corn Fields, or to any Impropriate fenc'd Grounds, without Shackles or Fetters to prevent Treſpaſs.

In caſe of Treſpaſs by Cattle, the party aggriev'd ſhall procure two of the Inhabitants of good repute to view and adjudge the damage done, which the Owner of the Beaſt ſhall ſatisfie whether the Beaſt was impounded or not, but the party Treſpaſſed may omit ſuch a view and bring his Action.

Upon ſuch a view, if the Owner live in the ſame Town, he ſhall have notice of the view and the Judgment given, which if he approve not of, he may nominate one Man, and the party damnify'd another to make a Review and Judgment, which being diſcharg'd together with the charge of notice, the firſt Judgment ſhall be void.

The Judgment upon a Re-view of damage muſt be agreed on the ſame day, or the former Judgment ſhall be good.

Cattle taken in the Corn or Paſture of other Bounds of any perſon may be Impounded in his own Yard or Cloſe till he may give notice to the Owner, who may replevye them if he pleaſe, or the other may return them and bring his Action for damages.

In caſe of involuntary Treſpaſs, the Treſpaſſer paying or tendring full damage before ſuit commenc'd, the Plaintiff ſhall recover no loſs.

Treſpaſſes and Damages by Cattle, thro the default of the perſon damnified ſhall not be recovered.

In all caſes of Damage done by Goats, the Owner ſhall pay double Damage, and the perſon damnified may keep and Milk the ſaid Goats till ſatisfaction be obtain'd.

Any perſon who ſhall take another Mans Horſe, Mare, Aſs or drawing Beaſt, either out of Incloſures or Commons, or elſewhere, without leave of the Owner, and

and ſhall Ride or Work the ſame, he ſhall pay treble Damages, or if the Plaintiff demand it, ſhall pay ten Shillings.

Such as cannot pay the Damages ſhall be carried before a Magiſtrate or the County Court, who ſhall puniſh the Offender by whipping, Impriſonment or otherwiſe, as the merit of the Cauſe requires.

Drift Cattle may be reſted or fed in any open Land not being ſowed with Corn, or appropriated to any particular uſe.

Civil Cauſes, Petty.

Any Magiſtrate in the Town where he dwells, may hear and determine by his Conſcience (and without a Jury) but according to the Laws of this Country, all Civil Cauſes ariſing in the County, wherein the Debt, Treſpaſs or Damage does not exceed 40 *s.*

Any Magiſtrate in Civil Cauſes within his cognizance may Iſſue out Summons and Attachments directed to the Mareſchal or Conſtable both for Parties and Witneſſes.

The Court of Aſſiſtants or County Court may at the requeſt of any Town where no Magiſtrate dwells, the ſaid requeſt, ſignified under the Hand of the Conſtable, appoint three of the principal free Inhabitants as Commiſſioners to hear and determine Petty Suits and Cauſes in the ſame manner as the Magiſtrates may do.

The ſaid Commiſſioners may not commit to Priſon in any caſe, and if the Parties live in ſeveral Towns, it ſhall be at the choice of the Plaintiff which Town he will proceed in.

Such Commiſſioners and all Aſſociates in County Courts ſhall be Sworn to the faithful diſcharge of the truſt repoſed in them.

In all ſmall Cauſes where there is but one Magiſtrate in a Town, and the cauſe may concern himſelf, or in caſe of Commiſſioners if the Cauſe may concern one or more of the Commiſſioners, the Cauſe ſhall then be heard and determin'd by the ſelect Men of the Town who ſhall have the like power as the Magiſtrates or Commiſſioners.

No Action proper to the cognizance of a Magiſtrate or to Commiſſioners as ſhall lye before any County Court

 but

but by Appeal after hearing, except in cases of assault or defamation.

The Free-men of the Town of *Boston* may chuse annually seven of their own body, to be presented to the Court of Assistants, who shall appoint them to be Commissioners for the said Town only, and who shall be duly Sworn before the said Court, or the Governour, Deputy Governour or two Magistrates.

The said Commissioners, or any three of them, with one Magistrate, or any five of them without a Magistrate, may hear or determine all Civil Causes, arising within the Isthmus on which the Town is situate, as also on *Nottles Island*, or in which either party shall be Inhabitants of the said places, provided the Debt, Trespass or Damage do not exceed 10 *l.*

The Commissioners of *Boston* shall keep a book of Records of all Causes, Pleadings, Sentences and Judgments, as the Law requires in other Causes.

The Commissioners of *Boston* may appoint their own Clerks, and may receive and demand of every Plaintiff in all actions not exceeding 40 *s.* 3 *s.* 4 *d.* and for all other actions, 10 *s.* and in all other cases accustomed Fees, and shall publish their Court Days.

The Commissioners of *Boston* may take cognizance of Riots, Routs and Criminal Misdemeanours, provided the fines imposed by them do not exceed the summ of 40 *s.* for one Offence.

The Commissioners of *Boston* shall have their Commissioners from time to time, under the Hand of the Secretary of the General Court.

All Mareschals, Constables and other Inhabitants, are to be requir'd to be aiding and assisting the Commissioners as occasion may require.

Any person either in Civil or Criminal Cases may appeal from the Sentence of the Commissioners to the Court of Assistants.

No person shall be admitted a Commissioner either in *Boston* or any other Town, but such whose Conversation is Inoffensive, and whose Fidelity to the Country is sufficiently known.

Cask:

Cask.

All Cask us'd for any Liquor, Fiſh, Beef, Pork or other Commodities for Sale, ſhall be of *London* Aſſize, and of ſo und and well ſeaſon'd Timber.

Fit perſons to be appointed from time to time, in all needful places, to Gage the Cask, and mark them with their mark, and the Gagers ſhall receive 4 *d. per* Tun.

Every Cooper ſhall have a diſtinct Brand for his own Cask, on the penalty of 20 *s.*

New Cask expos'd to ſale, either defective in Workmanſhip, Size or Timber, upon complaint to the next Magiſtrate of the Town, the Cask ſhall be forfeit to the Informer, and the Owner ſhall be fined to the County 10 *s. per* Tun.

The Towns where any Cask are made, ſhall annually chuſe a Gager or Packer, who ſhall take an Oath for the diſcharge of his Office, before one of the Magiſtrates, and on refuſal to ſerve, ſhall pay a fine of 40 *s.* and another ſhall be choſen in his room.

The Town or Conſtable, refuſing or neglecting to chuſe or preſent a Gager or Packer of Cask, to forfeit for every Offence, 40 *s.*

Every Gager or Packer ſhall ſee that no Goods be Packt in any Cask but what is of true and full Aſſize, on penalty of 10 *s.* for every Cask that is by him packt and prove defective or of untrue ſize, one half to the Informer and the other to the Country.

All Fiſh, Beef or Pork ſhall be view'd and be markt by the Gager, and if found defective, the Gager ſhall recover 4 *s. per* Tun of the Owner, and if ſound he ſhall receive 1 *s. per* Tun.

All Goods expos'd to Sale without the Gagers mark, the Goods to be forfeit, half to the Informer and half to the Country.

Staves of Cask to be aſſiz'd Hogſhead Staves at 3 foot 2 inches length or upwards not exceeding three foot four inches, Barrel Staves at one and thirty inches; well and even Hewed and Dreſſed, and all Headings for Pipes Staves to be in length twenty eight inches, and for Hogſheads and Barrels ſuitable to the Staves.

Conspiracy.

If any Man conspire and attempt any Invasion, Insurrection or Publick Rebellion against the Commonwealth, or shall endeavour to seize or surprize any Town or Towns, Fort or Forts therein, or attempt the alteration or subversion of the Government, he shall suffer Death.

D.

Debts Demandable.

Book Debts not Ballanced acknowledged or secured by some Speciality, or Signed in the Creditors Book within the space of six years, from the time such Debts were contracted, shall not be pleadable in any Court, unless the said Debt be prov'd or prosecuted in some Court, and the Evidence thereof recorded within the said six years.

The Evidence of such Debts must be such as the Court shall approve, and the Debtor may have one year to disprove such Evidence, and Cancel the Record.

Deputies.

The Deputies for the General Court shall be chosen by the Freemen of every Town by Papers or Ballot.

The Deputies of every Town may meet and confer together, and prepare such Publick Business as by them shall be thought fit to be considered of at the General Court.

No Town shall send more than two Deputies, and no Town that hath not Twenty Freemen shall send above one Deputy, and such Plantations as have not ten Freemen shall send no Deputies but the said Freemen shall have Votes in the next Town.

All Towns that have not more than thirty Free-men, may act at Liberty to chuſe Deputies or not, as they pleaſe.

The Free-men may chuſe any perſon or perſons for their Deputies, tho they do not live in the Town or County, provided they are Free-men and dwell within the Juriſdiction.

All Diſputes about Elections of Deputies, ſhall be decided by the Deputies themſelves in the General Court.

Deputies choſen ſhall not be continued from Court to Court or at moſt above a year.

No Man ſhall be accepted as a Deputy in the General Court tho he be a Free-man who is unſound in Judgment, concerning the main points of Chriſtian Religion, Scandalous in his Converſation, or unfaithful to this Government.

Every Free-man that makes choice, or gives his Vote for ſuch a perſon, knowing him to be ſo, ſhall forfeit 5 *l*. the caſe to be determined at the General Court.

The Conſtable of every Town ſhall make the return of every Election of Deputies, with the name of the perſon and the time for which they are choſen on forfeiture of 20 *s*. for every neglect.

Every Deputy choſen and accepting the choice that ſhall abſent himſelf from the General Court, without juſt cauſe to be adjudged by the Houſe, ſhall pay 20 *s*. a day for every ſuch neglect.

No Attorney in any inferiour Court can ſit as a Deputy in the General Court.

Diſtreſs.

Corn or Hay in the Field, or upon the Cart, or Garden Stuff, or any thing ſubject to preſent decay, ſhall not be lyable to Diſtreſs, unleſs he that takes it, doth preſently beſtow it where it may not be imbezl'd or damaged, or gives ſecurity to make it good.

Dowry.

Married Women living with their Husbands, or Legally absent from them, and not otherwise endow'd by Joynture before Marriage, have right and interest by way of Dower, immediately after the Husbands Death, in and to one third part of all her Husbands Estate, to all as well Personal in Possession or Reversion or any remainder of Inheritance for term of her Life, free and discharg'd from Debts, Rents, Charges, Judgments, Execution or other Incumbrances suffered by her Husband during their Marriage.

The voluntary consent of the Wife in Writing under her Hand, executed or acknowledg'd before a Magistrate, or others Authoriz'd by Authority, to receive the same shall bar her from her right of Dower. And,

The Heir at Law of the Deceas'd or other person entrusted or concerned, shall within one month after lawful demand made, assign, and set out to the Widow her just thirds of her Husbands Estate.

The Widow may bring a Writ of Dowry in the County Court, where the Estate of her Husband lyes, or in the Court of Assistants if it lye in several Counties, in case the Heirs or persons concerned do not Assign, and set out the said thirds, by Meets and Bounds with allowance for cost and damages sustain'd.

This Law of Dower do's not extend to any Lands or Estate, sold or convey'd *Bona fide* by any Husband before the last of *Nov.* 1647.

Widows shall be subject to impeachment of waste, and shall leave the Estate assigned them in sufficient repair.

E.

Elections.

Election of Assistants yearly shall be by the Free-men putting Beans and *Indian* Corn into whatever is prepar'd

par'd to receive them, the Candidate being nam'd, every Free-man puts in one Bean or one Grain of *Indian* Corn, the *Indian* Corn for the person, and the Bean against him.

Any Free-man putting more than one at a time, or any person putting in either Corn or Bean, who is not a Free-man shall forfeit 10 *l.* for every Offence.

Any Free-man may Seal up his Vote in the presence of the Deputy and Constable of the Town, who shall send them to the Court of their Elections at *Boston.*

The Governour, Deputy Governour, Major General, Treasurer, Secretary and Commissioners of the united Collonies are Elected, Elected by the Free-men by Papers, having the names of the person Voted for Written in it, and the Paper sent open, or but once folded.

Magistrates for Towns to be chosen in like manner by the Free-men of every Town, summon'd by the Constable some day in the second week in *March* every year.

No Free-man to put in above one Vote for one person in any Election under the penalty of 10 *l.* for every Offence.

The Votes for Assistants being given in the respective Towns shall be sent by one Man, appointed by the Free-men out of every Town, to the Shire Town, upon the last *Wednesday* in the following week, which persons so sent shall appoint one of themselves, as Commissioner for each Shire, to carry them to *Boston* the second *Tuesday* in *April*, there to be opened in the presence of some Magistrate at the Court-house in *Boston*, or such other place as the Commissioner of *Suffolk* shall direct.

The Votes being open'd at *Boston*, those 18 only that have most Voices shall be nominated at the Court of Elections for Magistrates and Assistants.

The Commissioner of each Shire shall return the manner of the persons chosen for the respective Counties, to the Constables and they to the Free-men.

Such of the persons return'd, who have been Magistrates before shall be first nominated for the Election, and after them in Order according to the number of Voices they had.

All persons employ'd and failing in Execution of Elections, according to the method prescrib'd, by the Law, to forfeit 10 *l.*

'Tis

'Tis the ſtanding allow'd Law and right of all the Free-men of this Juriſdiction, to chuſe every year out of their own body all the General Officers of the Government.

By General Officers are underſtood, Governour, Deputy Governour, Aſſiſtant, Treaſurer, Major General, Admiral at Sea, Commiſſioners for the united Colonies and Secretary of the General Court, or any other of the like general nature hereafter to be appointed.

All Quakers or other perſons who refuſe to attend upon the publick Worſhip of God here eſtabliſh'd are uncapable of voting in any Election, or other Civil Aſſembly.

Eſcheates.

Where no Heir or Owner of Houſes, Lands, Tenements, Goods or Chattels can be found, they ſhall be ſeiz'd to the publick Treaſury, till ſuch Owner or Heir, Owners or Heirs ſhall make due claim, and ſhall then be reſtor'd upon reaſonable terms.

F.

Farms.

Farms lying within the Bounds of any Town ſhall be eſteem'd as part of the Town in whoſe Bounds they lye, *Meadford* excepted.

Falſe Witneſſing.

If any Man bear Falſe Witneſs, wittingly and willingly, with deſign to take away anothers Life, ſhall ſuffer Death.

Forgery.

Forgery.

To Forge any Deed or Conveyance, Will, Bond, Bill, Release, Acquittance, Letter of Attorney or any Writing, to prevent Justice or Equity, shall be punish'd with the Pillory, and the Party to pay double damages, and be Disabl'd to give Evidence or Verdict.

Fornication.

Fornication to be punish'd either by compelling Marriage, by Fines, Corporal Punishment, *Deffranchesement*, or all of these as the Court shall appoint.

Free-men.

No Man to be admitted a Free-man, but such as are Members of some of the Churches within the Jurisdiction.

No Man who is a Member of a Church, shall be exempted from Offices, tho they have not taken up their freedom, penalty 20 *s.* for every Offence.

All *English*-men Orthodox in Religion, not Scandalous in Life, who are Free-holders of the Country and rateable in one single rate at 10 *s.* and being of 24 years of Age, shall be admitted to the Freedom of the Common-wealth. *A.* 1664.

The County Court may administer the Oath of a Free-man to any person admitted by the General Court, who shall desire the same. *A.* 1664.

Fines.

Offenders Fined for the Breach of any Penal Law, shall lye in Prison or be kept to Work, till he pay the said Fine or give security for it.

The Judge may respite Payment without Imprisonment if he sees cause.

The Secretary or Clerk of every Court ſhall tranſmit a Copy of all Fines or other Dues, Levy'd or Aſſeſſed in their reſpective Courts to the Treaſurer of the Country or of the County within fourteen days, who ſhall forthwith grant a Warrant to the Mareſchal to collect the ſame.

The County Court or Court of Aſſiſtants may remit Fines, and diſcharge the perſons out of cuſtody, where they find the perſon unable to make ſatisfaction.

All Fines or Mulcts in caſes of Elections, not gathered or paid to the ſeveral Treaſurers of the Counties, or to be laid for the future, ſhall be by the County Treaſurers delivered to the ſelect Men of the reſpective Towns, to the uſe of the poor.

Fairs or Markets.

Market days at *Boſton*, every *Thurſday*, at *Salem*, on *Wedneſday*, at *Lyn* on *Tueſdays*, and at *Charles* Town on *Fridays*.

Two Fairs granted to *Boſton*, on the firſt *Tueſday* in *May*, and on the firſt *Tueſday* in *October* every year, to hold 3 days each.

Two Fairs at *Salem*, on the laſt *Wedneſday* in *May*, and on the laſt *Wedneſday* in *September* every year.

Two Fairs at *Water* Town in *Middleſex* on the firſt *Friday* in *June*, and on the firſt day in *September* every year.

Two Fairs at *Dorcheſter* in the County of *Suffolk* on the fourth *Tueſday* in *March* and the laſt *Wedneſday* in *October* every year.

Ferries.

Ferry-men granted by Authority, ſhall have the ſole Liberty of Tranſporting Paſſengers from the place where they kept their Ferry.

Any Ferry-boat may land Paſſengers at any other Ferry place, but ſhall not take up Paſſengers at any Ferry place but their own, if the other Boats be ready.

This Law not to extend to prevent any people passing or re-passing in their own or Neighbours Canoas or Boats to their ordinary Business.

No Ferry-man may Transport any Passengers in a Canoa, excepting in case of necessity and with the Passengers consent, on pain of forfeiting the Canoa or the value of it to the Treasury.

At *Waymouth* Ferry every single Passenger shall pay two pence for his or their passage over the Water.

Ferry-men may take double pay after day-light.

Passengers not paying ready Money for their Passages shall give the Ferry-men a Pledge or give him their Names in Writing, and the Magistrates shall oblige them to give satisfaction.

Magistrates and Deputies of the General Court for the time being with one Servant and one Horse shall be Passage free, at all Ferries, except such as pay Rent to the Country.

No Man may press himself into a Ferry-boat against the consent of the Ferry-man, or of the most of the Passengers already in the Boat, on penalty of 10 s. for every Offence.

A Ferry-man who shall suffer any person to come into his Boat against the consent of any Magistrate, Deputy or Elder already in his Boat, or against the consent of the majority of other passengers in the said Boat, shall forfeit for every person so admitted twenty shillings.

Ferry-men may keep out, or thrust out by force, any person who presses himself into his Boat against the Law.

All passengers shall be received into Ferry-Boats in order as they come, except Magistrates, Deputies, publick Officers, and such as go on publick business; except also Physicians, Chyrurgeons, Midwives, or persons called to Women in Travail, such shall be transported with the first.

Firing.

Fires kindled in the Woods, so as to endanger Cornfields, before the tenth of *March* or the 30th of *April*, or on the last day of the week, or on the Lords day, the person who kindled the Fire shall Pay all the damage,

mage, and be fin'd half as much to the Country.

If the person be not able to pay, the next Magistrate of the County Court may order him Correction, not exceeding twenty stripes for one offence.

Any man may at any time kindle a Fire in his own Ground, so as no damage come to the Country, or to any particular person.

Whoever shall burn or destroy any Frame Timber hewed or sown or split, heap of Wood, Charcoal, Corn, Hay, Straw, Hemp or Flax, shall pay double damage.

Wilful setting Fire to any one House, Barn, Stable, Mill, Stack of Wood, Hay or Corn, or any thing of like nature, on due Conviction or Confession, the Offender to pay double damage, and be severely whipp'd, being sixteen years of age.

Any person who is sixteen years of age, and shall wilfully set on fire, or cause to set on fire any Dwelling-house, Meeting-house, Ware-house or Store-house, or any Barn, Stable, Mill, Leantoo, Stack, or other thing of like nature, whereby any Dwelling-house, Meeting-house, Ware-house or Store-house comes to be Burnt, shall be put to Death, and forfeit so much as will make satisfaction for the damage.

Any person vehemently suspected of any such Crime may be Apprehended and carry'd before one or more of the Magistrates, who may commit them to Prison without Bail till the next County Court.

Fish.

Fisher-men may make use of any of the Harbour and of the Land adjoyning, for the Drying and Cureing of their Fish or other needful occasion, and may also take such Timber and Fire-wood, as they shall have occasion for in their business of Fishing, where it may be spared without damage, paying for the same to the Town or person who are the Proprietors.

Buyers and Sellers of Fish shall choose one on either side for viewing of their Fish, which person so chosen shall be sworn before such person as the General Court shall appoint in all Fishing Towns.

Buyers

Buyers and Sellers of Fiſh ſhall be concluded by the judgment of the perſon choſen by themſelves, and duly ſworn, and what he or they approve of as Merchantable the Buyers ſhall accept, and what he throws by as Refuſe Fiſh the Seller ſhall take back, and the Viewer may demand 1 penny *per* Quintal of all the Merchantable Fiſh, to be paid half by the Buyer and half by the Seller.

All Sun burnt, Salt burnt and dry Fiſh, that ſhall be firſt pickl'd, ſhall be judged Refuſe Fiſh and unmerchantable.

No man may kill any Cod Fiſh, Hake, Haddock or Polluck, to be dryed for ſale in the month of *December* and *January*, nor Mackarel to Barrel up in the month of *May* or *June*, on penalty of 5 *s.* for every Quintal of Fiſh, and 5 *s.* for every Barrel of Mackarel.

Fiſhermen may not throw the Garbage of the Fiſh they take into the Sea, at or near the Banks, Ledger or Grounds where they take the Fiſh.

The Men or Crew belonging to any Fiſhing-Boat or Veſſel, refuſing to obey the orders of their Maſter, Skipper or Steers-man, as to the times and ſeaſons of Fiſhing, or that ſhall take or drink more ſtrong Liquor than he will permit them, under the penalty of twenty ſhillings for the firſt offence, forty ſhillings for the ſecond, and three months Impriſonment for the third; the Fines one third to the Informer. Mackarel ſhall not be kill'd except for preſent uſe before the firſt day of *July* every year, on penalty of loſing the Fiſh, one half to the Informer, the other to the Country.

All Fiſh ſalted with Suctood as Salt, and ſpotted thereby, ſhall be accounted unmerchantable.

Fences.

Corn Fields enclos'd in Common, every party intereſted therein, ſhall from time to time make good his part of the fence, and ſhall not put in any Cattel ſo long as any Corn ſhall remain on any part of it.

If the ſeveral owners of Ground incloſed in Common cannot agree about the Fencing or Improvement of ſuch Grounds, the Select men of the Town ſhall order the ſame, and if there are no Select men then the major part of the Freemen.

Any Owner or Occupier of Land inclosed in Common may inclose his own part from the rest, and so refuse to stand to the arbitrement of the Select men or Freemen.

The Select men of every Town may make Laws for the fencing of Lands within their bounds in all petty Farms under one hundred Acres, and to impose fines on Defaulters, not exceeding twenty shillings for one offence.

Select men neglecting to make such orders for the preserving the Fences of the Land shall pay for every such neglect five pounds to the use of the Town, and so from time to time every month.

The Select men may appoint from year to year two or more persons Inhabitants of the Town to view the Common Fences of all Corn-fields, and to give notice to the Owners to repair the defects of them, and if the repairs are not made in six days after such notice, the said Surveyor shall cause them to be repair'd, and the owners shall pay them double Wages.

The Select men shall grant Warrant to the Constable to levy the said payment either upon the Corn or other Estate of the Offender, but the defect of the person must be proved by two or three sufficient Witnesses.

If an Owner of Lands lying open will improve his own Land by Fencing, he shall not compel his Neighbour whose Land bounds upon his to pay any Charge of his Fence, but if his Neighbour shall afterwards inclose, he shall then pay his half share for so much of the former Fence as bounds upon his Land.

If the first Encloser will lay open his Land after such Enclosure, he shall not lay open his Neighbour's, but his Neighbour shall be at liberty to purchase the other half of the Party Fence at the present valuation, to be set by two men, to be chosen by either party one.

The like order to be where Land shall be improv'd against a Town Common. This Law of Party Fence, except all House Lots not exceeding ten Acres, and if such a one will Improve, his Neighbour shall make and maintain one half of the Fence, whether he will Improve or not.

No man shall be bound to satisfy for Damage done by his Cattel in Ground not sufficiently fenced, except

the

the Damage be by Swine or Calves of a year old, or Goats, or unruly Cattle.

Voluntary Treſpaſs, the party damnified may Impound the Cattel, or otherwiſe diſpoſe of them, or bring his Action.

Fees.

Every perſon impleading another in any County Court or Court of Aſſiſtants, ſhall pay ten ſhillings beſore the Cauſe be entred.

Every Action above the value of forty ſhillings, tryable before the Commiſſioners of *Boſton*, ten ſhillings.

Actions under forty ſhillings tryable before the Commiſſioners of *Boſton*, any one Magiſtrate or the three Commiſſioners for ſmall Cauſes, ſhall pay three ſhillings four pence.

The Court finding cauſe may admit Suits in *forma Pauperis*, free from Fees.

Cauſes where the Debt or Damages recovered amount to ten pound ſhall pay fifteen ſhillings, and for twenty pounds twenty ſhillings.

All Fees, together with the charge of Entry, ſhall be allow'd in the Judgment levyed with the Execution by the Marſhal, and by the Marſhal accounted to the reſpective Treaſurer to whom it belongs.

G.

Gaming.

No perſon may play at Shuffle-board or Bowls in or about any Houſe of Publick Entertainment, or in any Houſe built for, or uſed on purpoſe for ſuch Games, the Maſter of the Houſe to forfeit twenty ſhillings, every perſon playing 5 *s*.

No other ſort of Game or Sport to be uſed or plaid at or abetted for Money or Money worth, on penalty of forfeiting treble the value plaid for, one half to the

Treasury, and the other half to the Informer.

No Dancing in Ordinaries or any Publick Houses, on the like penalties of 5 *s.* for every person.

Any Magistrate may hear and determine Offences against this Act.

No Feasts or Festivals, such as *Christmas*, *Easter* or *Whitsontide*, to be observed either by merry-making, forbearing Labour, or the like, under the penalty of 5 *s.* for every offence.

No person may play at Cards or Dice upon like penalty.

No person may bring any Cards or Dice into the Country or keep any in their custody on penalty of five pounds, one half to the Treasure, the other half to the Informer.

If Cards or Dice come into any mans custody accidentally, or without his knowledge or consent, he shall carry them to the next Magistrate or Commissioner to be disposed of as he shall direct, and then shall not be liable to the penalty aforesaid.

Any person guilty of Gaming may inform of himself, and shall be thereby free from the penalty, but shall have no farther benefit of the Law by his Information against others, save that he shall be allow'd as a Witness against any other that is guilty.

The Judges may change the Fine impos'd by this Law into Corporal punishment if they see cause. *A.* 1620.

Galloping Horses.

No person may gallop any Horse within any of the Streets of the Town of *Boston*, on penalty of 3 *s.* and four pence for every offence, to be paid to the Treasurer of *Suffolk*.

Heresie.

Altho no Humane Power is Lord over the Faith and Consciences of men, yet to avoid damnable Heresies, tending to the subverting the Christian Faith spreading among the Inhabitants of this Jurisdiction, 'tis enacted, that if any person within this Jurisdiction shall

broach

broach and maintain any Damnable Heresies, as denying the Immortality of the Soul, or the Resurrection of the Body, or any sin to be repented of in the regenerate, or any evil to be done by the outward man to be accounted sin, or shall deny that Christ gave himself a ransome for our sins, or shall affirm that we are not justified by his Death and Righteousness, but by our own Merit; or shall deny the morality of the fourth Commandment, or shall openly condemn or oppose the Baptizing of Infants, or shall purposely depart the Congregation at the administration of the Ordinance of Baptism, or shall deny the Ordinance of Magistracy, or their lawful authority to make War and Peace, and to punish the outward Breaches of the first Table, or shall endeavour to seduce others to any of those opinions, every such person lawfully convicted shall be Banished this Jurisdiction. *A.* 1646.

Any person professing the Christian Religion, and above the age of sixteen years, that shall wittingly and willingly deny in word or writings any of the Books of the Old or New Testament to be the Written or Infallible Word of God, whether the offence be committed on shore within this Jurisdiction, or at Sea by any Inhabitant of this Jurisdiction, the Offender to be apprehended by the next Constable or Marshal, or their Deputy, by Warrant from any one Magistrate, and shall be committed to Prison at *Boston* without Bail or Mainprize, till the next County Court, and upon Legal Conviction shall be fin'd at the discretion of the Court, not exceeding fifty pounds.

The Judges may change the Fine into Corporal Punishment, not exceeding forty stripes.

If the Offender shall publickly recant his Error before Sentence passed, he shall not be fined above ten pounds.

If an Offender after the said Conviction or Recantation shall commit the same offence a second time, he shall be Banished or put to Death as the Court shall direct.

Blasphemous Books of *John Veers* or *Lodowick Muggleton* to be delivered to the next Magistrate, on penalty of ten pounds for every Book found, half to the Country and half to the Informer.

All the Books found in any perſons cuſtody to be burnt by the Hangman the next Lecture day.

No Maſter of any Veſſel may bring any Quaker or other Blaſphemous Heretick into this Country on penalty of one hundred pounds to be paid to the Treaſurer, and give ſecurity to carry the perſons back again, and to lie in Priſon till the Fine be paid and Security given.

Perſons concealing ſuch Quaker or Blaſphemous Heretick, knowing them to be ſuch, on Conviction ſhall pay 40 *s*. an hour for ſuch Concealment, and ſhall lie in Priſon till the Fine be paid.

All Encouragers, Teachers or Defenders of the Opinions of the Quakers, and who meet for that purpoſe on the Lords day, to forfeit to the uſe of the Country for every one ſo meeting ten ſhillings, and every one ſpeaking in ſuch meeting five pounds.

Quakers Books to be ſeized, the Impoſter to pay five pound for every Book, and the like penalty for Concealing or Diſperſing or keeping them in poſſeſſion.

To revile the Office or Perſon of the Magiſtrates or Miniſters, the Offender ſhall be ſeverely whipt or pay the penalty of five pounds.

Defaming the Courts of Juſtice or the proceedings of the ſame, or any of the Magiſtrates or Judges, for any Acts or Sentence done in Court, ſhall be puniſhed with Whipping, Fine, Impriſonmene, Disfranchiſement, or Baniſhment, as the quality of the Offence ſhall deſerve.

Whoever ſhall publiſh and maintain any Hetrodox Opinions in Religion, or Erroneous Doctrine, ſhall be cenſur'd by the County Court as the merit of the Cauſe requires.

Quakers not Inhabitants may be apprehended by any Conſtable, Commiſſioner, or Select man, and convey'd from Conſtable to Conſtable till they are brought before a Magiſtrate, who ſhall commit them to Priſon without Bail till the next Court of Aſſiſtants, where they ſhall be tryed by a ſpecial Jury, and being convicted ſhall be Baniſhed, not to return on pain of Death.

If the perſon convicted be an Inhabitant he ſhall be impriſoned for one month, and ſhall either voluntarily depart the Juriſdiction or give ſecurity for the good behaviour and appearance at the next General Court,

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when unleſs he retract and recant he ſhall be baniſh'd upon pain of Death.

If the Offender having voluntarily departed ſhall return again without Licence of the Council, he ſhall be apprehended and again Baniſhed, not to return upon pain of Death.

Wandring Vagabond Quakers, having no dwelling nor apparent buſineſs but to ſeduce others to their opinion, ſhall be whipt at the Carts Tail thro the Town where they are apprehended, and then be convey'd from Conſtable to Conſtable till they are carried thro the laſt Town in the Juriſdiction.

To be ſerv'd in like manner as often as they return, but if they return after the third time they ſhall be committed to the Houſe of Correction till the next County Court, where they ſhall be branded on the Left Shoulder with the Letter R, be ſeverely whipt and paſt out of the Juriſdiction as before.

If after this they return again they ſhall be proceeded againſt as Incorrigible Rogues, be committed to the County Jayl till the Court of Aſſiſtants, and on conviction be Baniſhed on pain of Death.

Quakers ſeduced among our ſelves ſhall be convicted by the Court of Aſſiſtants and Baniſhed the Juriſdiction, and in caſe they return ſhall be proceeded againſt as Vagabond Quakers.

The Conſtables ſhall disburſe the Charges in apprehending, whipping and paſſing of Quakers, to be repaid by the Treaſurer out of the next County rates, and Conſtables may impreſs Carts, Horſes, Oxen or Men for the execution of this Law.

The Whipping Vagabond Quakers may not be thro more than three Towns, and the Magiſtrate or Commiſſioners ſigning the Warrant ſhall aſſign the Towns and the number of Stripes.

H.

Hides.

Raw Hides, Skins, Pelts, or Leather unwrought, may not be exported on penalty of the loſs of Goods, or value thereof; the like penalty to the Maſter of any Ship or Veſſel that ſhall take them on board.

Raw Hides or Skins imported from other parts are freely to be exported again, as alſo are the Skins of Wild Beaſts, as Beavers, Mooſe, Bear and Otter. *A.* 1646.

Highways.

All the Highways are to be made and kept ſafe and eaſie for Travellers.

The County Court ſhall appoint two or three men out of each of the next Towns where any Road is to be laid out, to lay out the Road as they find convenient, who are to make return to the next Court of what they have done therein.

No mans Houſe ſhall be pull'd down, or his Garden or Orchard laid open for the making any Highway, and in Common Grounds, and where the Soil is wet, ſwampy or rocky, the Roads ſhall be at leaſt from ſix to ten Rods wide, and more as occaſion requires.

If any man be damaged in his Improved Land, the Town whoſe Road it is ſhall make him ſatisfaction, to be adjuſted by the perſons who laid out the Road, and if they cannot agree it ſhall be determined by the County Court.

Any perſon aggrieved by the perſons deputed to ſurvey and lay out Highways may appeal to the County Court, who ſhall redreſs the ſame; but if the Complaint be found groundleſs, he ſhall pay all the Charges of the Parties and Court during the Appeal, and be fined to the Country as the Court ſhall adjudge.

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The Select men of any Town have power by themselves or others appointed by them, to lay out private Roads or Ways to or from their own Town, or to or from any place within the bounds of the Town, so as no damage be done to any man without due recompence, the recompence to be adjusted by indifferent men chosen on either side, with an appeal to the County Court.

The County Court may pull up any Gates or Rails, placed by any private persons upon the Highways, with due respect to the Proprietors Costs or Damage.

No person shall stand singly charged with the repair of the Highways tho they pass thro his own Ground.

Horses.

No Master of any Vessel may take any Horse, Gelding or Mare on board his Vessel before the same is entred into a Book, with the Colour, particular Mark and Age of the said Horse, as near as may be known, together with the name of the person of whom such Horse was last bought, and proof by Witness or Oath that he was the true owner of it, which Book shall be kept by the Clerk of the Writs in every Town, and the said Clerk shall view the said Horse, and shall receive six pence for every Horse, Gelding or Mare; every Master of a Vessel who shall neglect shall pay four pound, half to the Treasury and half to the Informer.

No Horse, Mare or Colt may be sold or disposed to any *Indian*, upon the penalty of one hundred pounds.

No Stone Horse above two years old shall be suffered to run in Commons and Woods at large, unless he be well shap'd and at least fourteen hands high, accounting four inches to a hand, and also shall be view'd and allow'd by the Select men of the Town where the Owner lives, on penalty of twenty shillings *per* month for every Horse; the Select men of the Town may grant a Warrant to levy the Fine, on penalty of this Law, and employ it to the use of the Town.

The Select men neglecting to take the said Fines, and to view such Horses as are brought in, shall forfeit twenty shillings for every offence, to be paid to the County Treasury.

I.

Judgments.

No Judgment or Execution may be ſold, alienated or aſſign'd, if it be it ſhall be void in Law, and if the party dye after Judgment obtain'd, before Execution is taken out or ſatisfaction made, the Executor or Adminiſtrator ſhall renew it as the party deceaſed might have done.

Judgment confeſt before any two Magiſtrates and the Secretary or Clerk of any Court ſhall be good and valid, and the Clerk may receive one ſhilling and no more as his fee.

If the Secretary or Clerk be a Magiſtrate it ſhall be decreed a legal Judgment, if it be before himſelf and one Magiſtrate more.

If any perſon when his Goods are taken in Execution, ſhall own Goods to be his own which in reality were not his own, he ſhall make good the Default in the Execution and pay double Damages.

If an Execution be ſerv'd on Lands, Houſes or Goods commonly accounted to belong to the perſon againſt whom the Execution is granted, and the Execution return'd according to Law, if it afterwards appear the Houſes, Lands or Goods belong to ſome other body, they ſhall be reſtor'd to the Owner, but the Court ſhall grant a new Execution for the Debt as if the other had not been returned.

Juries.

No Jurors ſhall be warn'd from *Salem* to *Ipſwich*, nor from *Ipſwich* to *Salem*.

The Secretary or Clerk of every Court of Juſtice ſhall in convenient time before the ſitting of the Court ſend Warrants to the Conſtables of the ſeveral Towns of the Juriſdiction of that Court, to ſummon a certain number

ber of Jury-men proportioned to the Inhabitants of every Town.

The Constable shall give timely notice to the Freemen to choose the Jury-men as the Warrant shall require, which men so chosen he shall warn to attend the Court, and shall then make return of the Warrant.

The like Order for Juries summoned for Special Court.

Upon Special Courts every Jury-man shall be allow'd four shillings *per diem* for his Charges, to be paid by him upon whose motion such Special Court was granted.

All Juries serving at the Courts of Assistants at *Boston* shall be chosen in the Counties of *Suffolk* and *Middlesex*.

Jurors thus chosen shall be empannell'd and sworn truly to try between party and party, and shall find matter of Fact according to Evidence, and the Judges shall declare the Sentence, and direct the Juries to find according to Law, and if there be matter of Equity it shall be in the Breast of the Judges to determine it.

No Tryal shall pass upon any man or woman for Life or Banishment in any Inferiour Court but by a special Jury summoned for that purpose.

Grand Juries shall be summon'd every year in the several Courts in this Jurisdiction, to present Misdemeanours, and to do what other service the Court requires.

No Juror shall be bound to Discover, Present or Inform of any private Crime or Offence, when he is under any Necessary Tye of Conscience to the contrary, except where the Country, or any Member or Branch of it is in danger, or where Legal Testimony is required.

Every Grand Jury-man is allow'd three shillings *per diem* for his Charges of attendance, and to be paid out of the Fees and Perquisits of the Court in which he serves, or by the County, if they are not sufficient.

In all Cases where the Law is obscure and doubtful, so as the Jury are not satisfied in the Case, any Jury are at liberty to give in their Verdict Special, (*viz.*) *If the Law be so, in such a point we find for the Plaintiff; but if the Law be otherwise, we find for the Defendant:* and

and in ſuch caſe the Court ſhall determine the matter of Law.

All Jurors have liberty in matter of Fact, if they cannot find the main Iſſue, to find and preſent in their Verdict as much as they can.

If the Court and the Jury ſhall ſo differ about any Verdict, as they cannot in Conſcience proceed, the caſe ſhall be iſſued at the next Court of Aſſiſtants.

And in ſuch Caſe the Attachment, with the former Security for Appearance at the County Court ſhall be continued to the Court of Aſſiſtants, and if the Plaintiff ſhall ſee Cauſe to go on with his Suit, he ſhall ſummons the Defendant as the Law requires, and ſhall take out the Records of his Cauſe from the County Court, with the Evidence on both ſides, and carry them to the Court of Aſſiſtants, where, after preſenting the Caſe, both parties may make any new Pleas, or bring new Evidences, if the Plaintiff ſhall not purſue the Cauſe before the Court of Aſſiſtants, the Defendant ſhall have Judgment for his Coſts at the next County Court.

Any Juror or any Jury, not ſatisfied in his or their Conſcience in the Caſe before them, may openly in Court, but not otherwiſe, Conſult with or ask advice of any man they think fit, before they give in their Verdict.

No Juror ſhall be Compell'd to Serve above one Ordinary Court in a year, except Grand Jurors, who ſhall ſerve two Courts together at leaſt, and except ſuch as are ſummoned in Caſes of Life and Death or Baniſhment.

Plaintiffs or Defendants who have Commenc'd any Action, or given Bail, or proceeded, and do not by themſelves or their Attorneys appear after they have been three times called in the Court by name, after the firſt forenoon of the ſitting, then they ſhall be Nonſuited.

And he that doth appear ſhall have Coſts granted by the Court againſt him or her that did not appear.

But if after a Nonſuit the parties agree to Try the Cauſe in the ſame Court, they ſhall have liberty ſo to do, the Plaintiff paying half the Fees for a new Entry which he paid before.

Any perſon preſented by the Grand Jury for any Offence, or ſummoned by a Magiſtrate to anſwer any Crime,

Crime, and ſhall not appear at the third Call as aforeſaid, they ſhall be proceeded againſt for Contempt, except they were prevented by neceſſity and providence.

In all Tryals, in Civil Caſes the Verdict of the Jury finally given ſhall be accepted by the Court, and Judgment accordingly entred.

But upon apparent Corruption or Error in the Jury, giving in their Verdict contrary to Evidence, or contrary to Law, the party aggrieved ſhall in open Court attaint the Jury, and give ſecurities to proſecute them at the next Court of Aſſiſtants in an Action of Attaint, upon which Execution ſhall be reſpited, and the Clerk of the Court ſhall ſummon a new Jury of 24 able men, by whom the ſaid Action of Attaint ſhall be firſt Tryed, and if they find for the Plaintiff he ſhall be paid by the other party his full Damage in the Original Suit; and if Bribery, Conſpiracy, or other Corruption be found in the Jurors attainted, they ſhall be puniſhed by Fine or Impriſonment, at the Diſcretion of the Court, but if they ſhall be acquitted, the Plaintiff ſhall pay them Double Damages, and the Judgment of the former Court ſhall be valid, and Execution be iſſued accordingly.

Jaylors.

Keepers of Priſons for the time being, ſhall have Liberty in all Civil Caſes to take ſufficient Bail after Commitment, as the Marſhal may do before.

Idle Perſons.

The Conſtable of every Town ſhall preſent all Perſons who ſpend their time idly or unprofitably, and particularly common Coaſters, unprofitable Fowlers and Tobacco takers, who ſhall be puniſhed as the Country Court ſhall ſee Cauſe.

Jesuits.

No Jesuit, Seminary Priest, or Ecclesiastical person ordained by the authority of the Pope or See of *Rome*, shall be suffered to come into or abide in this Jurisdiction.

Any person suspected to be a Jesuit or Popish Priest may be brought before a Magistrate, and if he cannot clear himself he shall be committed to Prison, or bound over to the next Court of Assistants, who shall proceed against them, by Banishment, or otherwise, as they see cause.

If any person so Banished shall be found again within this Jurisdiction, on due Conviction shall be put to Death.

This Law not to extend to any such Priest or Ecclesiastick as shall come by Shipwrack or other accident, so as they continue no longer than till he or they may have opportunity of passage for their Departure.

Nor shall this Law extend to any such as shall come in company with any Messenger upon publick occasion, or Merchant or Master of a Ship belonging to any place not in enmity with the State of *England* or this Country, so as they depart again with the same Messenger, Master or Merchant, and behave themselves inoffensively during their stay.

Impost.

Masters of Vessels, bringing Wines or Strong Waters into any Port or Harbour in this Jurisdiction, except such as come directly from *England*, shall make a full Entry of all the said Goods they intend to put on shore, both as to quantity and quality, before they are landed, on forfeiture of all the Goods that shall be landed before the Entry is made, half to the Country and half to the Officer.

The Duty and Custom of all such Wines or Strong Waters shall be paid to the proper Officer in kind, that is to say, by delivering part of the said Goods, proportioned in Goodness and Price as the Officer and Owner

can agree, and if they cannot agree, the Treasurer shall determine the value.

The Customer shall employ a Deputy or Deputies as he shall see occasion, who shall serve as Searchers and Waiters to see Goods landed and prevent frauds, who shall be paid as the Officer agrees with them.

The Custom of Wine is according to the following rates.

Every Butt or Pipe of *Fyal* Wine or Wines of Western Islands 5 *s.*

Every Pipe of *Madera* Wine six and eight pence.

Every Pipe of Sherry, Sack, *Madera* or *Canary* Wine 10 *s.*

Muskadels, Malmsey, Tents, *Alicant* and other Wines from the *Streights* 10 *s.* And proportionable for greater and smaller Cask.

Every Hogshead of *French* Wine 2 *s.* 6 *d.*

Every Hogshead of strong Water 10 *s.*

The Officer or his Deputy may go into all Houses or Cellars, where he knoweth or suspecteth any Wines are concealed, and seize such as he finds have not paid Custom, or are entred according to order.

Constables and other Officers are obliged to assist the Custom House Officers to break open doors, where they are denied entrance, any person refusing to assist the Custom Officer for due wages tender'd, shall forfeit 10 *s.* for each offence.

Debts due to the Country for Custom of Wines and Strong Waters, where Wines and strong Waters cannot be found to pay, are recoverable by Action at Law.

Every Master of Strangers Vessels not fraught in *England*, shall pay 6 *d. per* Tun upon the Tunnage of the Ship, and 10 *s. per* Ship towards the maintenance of Fortifications.

English Ship or Ships fraught in *England* shall not pay the Duty of 6 *s. per* Tun, but shall pay 10 *s. per* Vessels above 100 Tun, and 6 *s.* 8 *d. per* Tun for all smaller Vessels.

All Syder, Ale and Beer sold in publick Houses, which are licenced to sell such things, shall pay 2 *s.* 6 *d. per* Hogshead, and Mum 5 *s. per* Hogshead, and so for a greater or lesser quantity.

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The Excise on Cyder, Mum, Ale and Beer is to be paid to the Treasurer of every County in Money, by the Vender or Retailer.

Every person so Licenced shall give an account to the Treasurer upon Oath of what quantity of such Liquors he has drawn, and shall pay the Money accordingly, and upon Default shall pay Treble Duty to the Country, or lose his Licence, as the Court which takes Cognizance of it shall adjudge.

All Goods Imported, excepting Fish, Sheep Wool, Cotton Wool, Salt, and such things as by former Laws are excepted, shall be rated equally with Estates in the Country at one penny *per* every twenty Shillings value.

All Goods Imported, shall be valued at 20 *per Cent.* advance upon the first Cost, *viz.* Every 100 *l.* at the Place or Port, from whence it came to be accounted, 120 *l.* and shall pay accordingly.

The Master of every Vessel or his Agent, shall before he Breaks Bulk or Lands any of his Loading, shall make a true Report or Certification of his whole lading to the Officer appointed, upon Penalty of 20 *s. per* Tun upon the burthen of the Ship.

The Officer shall truly enter all his Goods with their Marks and Distinctions, with the Names of the Persons, Owners, or to whom they are consigned, so far as can be lawfully discovered.

The Owner or person to whom the Goods are consign'd shall signifie to the Collector the True Value of the Goods consign'd to him, and show his Original Invoyce to the said Collector, who shall Enter the Gross Summ in a Book for that purpose, and Certifie the same to the Treasurer.

In Case of non-payment of the Duty the Collector or his Deputy shall levy the same by Distress upon the Goods, and shall have two shillings *per* pound for his Labour.

The Collector may require aid to Levy the Duty, as a Constable does in other Cases.

If the Invoyce of any parcel of Goods be falsified, or not produced, the Treasurer or Collector, with the Select men of the Town, may rate the Goods, or the Owner or Agent to whom they are Consign'd, by Will Will and Doom at Discretion, provided it be not

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leſs than four pound *per* Tun, as the Goods ſtand in the Boatſwains Book.

All Cattel brought into this Juriſdiction, to be ſold, kill'd or tranſported, the Seller ſhall give an account of their number and kind, and ſhall pay for them before they are ſold, kill'd or tranſported, as is expreſs'd in the Law Tit. Charges of the Publick, on penalty of the forfeiture of any ſuch Beaſt or its value, half to Publick Treaſury and half to the Informer.

All Goods brought into this Juriſdiction by Land, the Owner or Poſſeſſor ſhall before Sale, or before putting on board any Veſſel to be exported, pay one penny for every 20 *s.* of the true value, by a true entry to be made, as for Goods imported by Sea, the Duty to be paid in Money.

The Country Treaſurer is empower'd to execute this Law, and to nominate and appoint ſuch Officers under him, as he ſhall judge needful for the execution thereof, to whom he ſhall give Warrants under his Hand and Seal to juſtifie their proceedings.

No Goods paid for by this Law ſhall be rateable again the ſame year.

The Treaſurer or any other Officer under him may apply themſelves to the Governor and Council for direction in any doubtful caſe, which Council or any 5 of them, are empower'd to give ſuch directions as they think fit.

All Maſters of Veſſels coming into Port with any Goods rateable to the Country, ſhall keep in their Cuſtody all ſuch Goods, till they receive an Order from the Collector to deliver them, on penalty of paying the rate themſelves.

The Seal of the Treaſurers Office ſhall be (TM) thus.

Impreſs.

In all publick Works, one Magiſtrate and the Overſeer of ſuch Work, has power by their Warrant to cauſe the Conſtable to Impreſs Labourers and Artificers, and to pay them ſuch Wages as they ſhall judge the work to deſerve.

But no man ſhall be compelled to any publick Work or Service that is not authorized by ſome Act of the General

Court, and if it be so authoriz'd, no Man shall be compelled to work from his own home above a week at one time.

No man shall be Impressed to any Office, Work or War, who is either uncapable by any natural or accidental Impediment, as too Young or too Old, defect of Limbs, or not in his right Mind or Senses.

No man may be forced against his Will, to go out of this Jurisdiction upon any offensive War, but on such defensive War as shall be undertaken by Authority of a General Court.

No mans Cattel or Goods may be Impress'd, but by Warrant grounded on some Act of the General Court, nor without such reasonable prizes, as the Ordinary rate of the Country do afford, and if his Cattel or Goods shall perish or suffer damage in such service, the Owner shall be paid for it.

Imprisonment.

No mans person shall be restrained or imprisoned by any Authority whatever, until that Law hath sentenc'd him thereto. If he can put in sufficient Security, Bail or Mainprize for his appearance or good behaviour in the mean time, except it be in capital Crimes, contempt in open Court, and in such cases where such Express Act of Court does allow it.

Indians.

The *Indians* in this Jurisdiction have an undoubted right to such Lands as they have possessed and improved by subduing the same, and may not be dispossessed thereof without their consent.

Indians desiring to live among the *English*, and behaving orderly and civilly, shall have allotments of Land according to the custom of the *English* in like cases, whether single Persons, or enough in number to make a Township.

Indians injuriously dispossessed of their Plantations or Fishing Grounds shall have relief in any of the Courts of Justice, as the *English* have.

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All Lands within this Juriſdiction, not being under the qualification of right to any *Indian*, is, and ſhall be accounted the juſt right and property of the *Engliſh*.

No man may buy any Land of an *Indian*, or any grant of years in Land without Licence from the General Court, on penalty of Forfeiture of the Lands ſo purchaſed.

No man ſhall ſell, give, barter, or repair for, or to any *Indian*, directly or indirectly, any Guns, Powder, Bullets, Shot, Lead, Armour or Weapons, nor to any perſon Inhabiting out of this Juriſdiction, on penalty of 10 *l.* for every Gun, Piece of Armour, or Weapon, 5 *l.* for every pound of Powder, and 40 *s.* for every pound of Lead or Shot.

No Foreigner or *Engliſh* man inhabiting out of this Juriſdiction may Trade within the Limits of this Juriſdiction with any *Indian* for any Goods whatſoever, under penalty of confiſcation of all the Goods and the Veſſels which bring them; and any perſon with or without a Conſtable or Warrant, may ſeize and ſecure the ſaid Goods and Veſſels, and ſhall have and receive one half of them to his own uſe, the other half to the Country.

No perſon may ſell any ſort of Peltry to the *Indians*, without ſpecial authority from the General Court, under the penalty of 100 *l.* 10 *l.* to the Informer, and the remainder to the Country.

No perſon may Give, Sell, Barter or Truck, directly or indirectly, to any *Indian* any Rum, Strong Water, Brandy, Wine, Strong Beer, Cyder, Perry, or any other Strong Liquors, under the penalty of forty ſhillings for every pint, one third to the Informer.

Trucking Houſes erected for Trade with the *Indians* not allowed by the General Court ſhall be Demoliſhed.

Phyſicians may preſcribe in Phyſick any of the Liquors prohibited for any ſick *Indian*, with an allowance under the hand of a Magiſtrate, or in his abſence any two of the Town Commiſſioners.

This Act ſhall not reſtrain any perſon in Charity relieving any *Indian* (*bona fide*) in caſe of ſudden extremity, ſickneſs, hurt or fainting, not exceeding one Dram at a time.

No man may give, ſell, or barter, directly or indirectly,

rectly, to any *Indian* any Boat, Skift, Canoa, or other Vessel whatsoever, under the penalty of fifty pounds.

Damage done to any *Indian* in their Corn or other Grounds by the Cattel of the *English*, shall on due proof made be recompenced by the Town or person whose Cattel did the Damage.

Such Towns or Persons whose Cattel are likely to annoy the *Indians* Plantations, shall direct, assist and help them in felling Trees, making Rails and framing of Posts, and shall draw their fencing into place for them, and lend or sell them Tools to finish it.

Such *Indians* as have Lands granted to them, or as shall purchase any Lands, shall be obliged to fence them at their own Charges, as the *English* do.

If *Indians* refuse help to fence their Ground, they shall have no satisfaction in case of Damages.

If the Cattel of any *Indian* do damage to the *English*, they shall make satisfaction according to Law and Justice.

All the Laws respecting the Civilized *Indians* are to be made known to them once a year by such person as the General Court shall appoint.

The Civilized *Indians*, who live under this Government, shall have *Indian* Commissioners in their several Plantations, to hear and determine all such Differences among them as one Magistrate may do among the *English*, with Marshals and Constables to execute Warrants and Orders, and the power of a County Court for matters among themselves, provided the *English* Magistrate appoint the Fine and Place, and consent to all Judgments pass'd; and all matters above their Cognizance shall be heard by the Court of Assistants.

No *Indian* in any part of the Jurisdiction, whether Inhabitant or not, shall be allowed to Powaw or Perform his Idolatrous Worships or Exercisms to their false Gods, on the penalty of five pounds; the Powawer or his Procurer, and every one present, or otherwise abetting, twenty shillings.

Every Town where any *Indians* do come or inhabit, shall take care that the said *Indians* do not prophane the Lord's Day.

Any Strong Liquors seen or found in the possession of any *Indian* may be seized by any person who discovers the same, and the Liquors shall be delivered to the

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Conſtable of the Town, and the perſon carried before ſome Magiſtrate or one Commiſſioner.

Indians found Drunk ſhall be committed till they Confeſs where they had the Liquors, or ſent to the Houſe of Correction, to labour till they have as much as ſhall pay the fine of the Liquors they drank.

If any ſuch drunken *Indian* accuſe any *Engliſh* man of ſelling him ſtrong Liquors, the accuſation ſhall be good, unleſs the party purge himſelf by Oath to the contrary.

Any *Indian* taken Drunk ſhall pay ten ſhillings, or elſe be whipt by ten ſtripes, at the Diſcretion of the Magiſtrate.

Such perſons as are allow'd to Trade Peltry and Skins with the *Indians* by Licence, may alſo ſell to *Indians* not in Hoſtility with us or with any other *Engliſh*, Arms and Ammunition, paying to the County Treaſurer every half year the ſumm of 6 *s.* for every pound of Powder, ſix pence for every ten pound of Shot or Lead, 3 *s.* for every Gun, 3 *s.* for for every dozen of Sword Blades, and deliver a true account upon Oath of the quantity ſo delivered to the *Indians*, under the penalty of five pound of Powder, five pound for every ten pound of Shot or Lead, ten pound for every Gun, or every dozen of Sword-blades; and this Order to continue in force during the pleaſure of the Court. *A.* 1668.

Indictments.

No perſon ſhall be Indicted for any Crime or Miſdemeanour unleſs the Indictment be brought within a year after the Offence was committed.

This Law ſhall not extend to any Capital Offence, or any Crime that may concern Life or Member, or Baniſhment, to Treaſon, Conſpiracy or Felony above ten ſhillings, nor any Civil Right or Cauſe of Action at Law.

Innkeepers.

No man may be a Common Victualler, keep a Cooks Shop, or any Houſe of Common Entertainment, Tavern, Ale-houſe, or Retailer of Wine or Li-

quors in ſmaller quantities than Quarter Cask, without Licence of the County Court, on penalty of 5 *l.* for every Offence, or Impriſonment during the pleaſure of the Court.

Merchants and Importers of Wines, Diſtillers, or ſuch as Import Strong Waters in Caſes, or makers of Cyder or Perry, may ſell by retail, ſo as not to ſell leſs than three Gallons of Wine or Cyder at a time to one perſon, nor leſs than one quart of Strong Waters, and not ſuffering it to be drank in their Houſes.

Publick Houſes ſhall hang out ſome inoffenſive Sign, viſible for the direction of Strangers, within three months from the date of their Licences, on penalty of loſing their Licences.

Every perſon Licenced to keep an Ordinary ſhall be always provided of ſtrong wholeſome Beer of four Buſhel of Malt to the Hogſhead at leaſt, and ſhall ſell it at Two pence the Ale Quart, on penalty of forty ſhillings for the firſt Offence, and for the ſecond ſhall loſe his Licence.

No Beer Brew'd with Moloſſes, or any other Ingredient inſtead of Malt, ſhall be ſold by Retailers, under penalty of five pounds.

No Victualler ſhall ſuffer any perſon to be Drunk in his Houſe, or to Drink Exceſſively not above half a pint of Wine at a time for one perſon, or to continue tippling above half an hour, or after Nine a Clock at night, on penalty of five ſhillings for every Offence.

Victuallers ſhall not conceal Drunkards, nor ſuffer them to depart till the Conſtable be ſent for, on penalty of Five pounds.

Every perſon found Drunk, ſo as to diſabled in his Underſtanding, Speech or Geſture, ſhall forfeit ten ſhillings for being Drunk, three ſhillings four pence for Exceſſive Drinking, Two ſhillings and ſix pence for Tippling above half an hour, and Five ſhillings for ſitting at unſeaſonable time after nine a Clock at night, and ſhall be Impriſoned till payment be made, or ſet in the Stocks in ſome open place not exceeding three hours, as the weather will permit.

If any perſon in his Drunkenneſs ſhall abuſe the Conſtable by words or blows, or ſhall endeavour to eſcape from him, it ſhall be in the power of the Conſtable to commit him to Priſon, or to take Bond for his ap-

appearing, till he ſhall acknowledge his Error, or pay his Fine and Charges, or till further order from the Magiſtrate, and upon ſuch acknowledgment or payment the Conſtable may diſmiſs him.

All Licenced perſons may entertain Land Travellers or Seafaring men in the night, when they come on ſhore, or from their Journeys, for their neceſſary refreſhment, they committing no Diſorders.

Merchants, Coopers, Owners or Keepers of Wine, may not ſuffer perſons to Drink to Exceſs or Drunkenneſs in their Wine-Cellars, Shops, Veſſels or Warehouſes, on penalty of ten ſhillings.

Private Houſe-keepers may not permit people to ſit Tippling in their Houſes, of Wine, Strong Waters, or Strong Beer, on penalty of 20 *s.* for the firſt Offence; and if the party be not able to pay, he ſhall be ſet in the Stocks one hour; and five pounds for the ſecond Offence; and for the third to be bound in Bond of twenty pounds to the Good Behaviour, or be Committed.

Perſons formerly fin'd for Drunkenneſs, offending again ſhall pay double fines; if a third time he ſhall pay treble fines; and if unable to pay ſhall be whipped with ten ſtripes; and if they offend the fourth time they ſhall be Impriſoned till they find Sureties for their good behaviour.

Perſons keeping Publick Houſes, having been twice Convicted, and ſhall offend againſt this Law the third time ſhall be for ever Diſabled from keeping any Publick Houſe, or ſelling Beer, Ale, or other Liquors.

Every Victualler ſhall be provided to entertain Strangers Horſes with Stable room and attendance, under penalty of two ſhillings ſix pence for every Default, and Double Damage to the party grieved.

Retailers ſhall pay fifty ſhillings *per* Butt to the Country for every Butt of Wine they draw by retale, and 2 *d.* the Quart for all Strong Waters, and ſhall not ſell any Wine at above ſix pence *per* Quart more than it coſt them by the Butt.

The Duty to be paid and accounted with the Treaſurer of the County every ſix months, to whom a true account ſhall be given of all the Wine ſuch Retaler ſhall buy, on penalty of forfeiting the Wine, half to the Country, and half to the Treaſurer and the Informer.

The Treaſurer may appoint Officers under him to collect this Duty, and ſhall take the payment in Wines or other Merchantable goods as he ſhall approve, and ſhall be allow'd 2 *s.* in the pound for his pains and care.

No Victualler or Publick Houſe-keeper ſhall ſuffer any perſon to remain Drinking in his houſe on Lecture day, during the time of any publick Lecture in the Town where he lives, except Strangers coming accidentally for refreſhment, upon pain of 5 *s.* for every Offence.

All offences againſt this Law may be heard and determined by one Magiſtrate, who upon due Conviction may levy the Fines by Warrant to the Conſtable.

Any perſon voluntarily confeſſing himſelf guilty of a breach of this Law, ſhall be a good Witneſs to Council againſt any other perſon offending at the ſame time.

Conſtables may duly make ſearch on Lords Days and Lecture days in their reſpective bounds for any offenders againſt this Law, and upon proof of their wilful neglect ſhall forfeit 10 *s.* for every Offence, to be levied by the Marſhal.

No Licence for a Publick Houſe ſhall be granted for longer time than from year to year, and all Publick Houſe-keepers are obliged once every year to renew their Licences, on penalty of five pounds.

This Law ſhall not extend to the preſent Vintners under Contract with the Publick.

Perſons drinking in Publick Houſes may not carry themſelves rudely or uncivilly, ſing or make a noiſe to the diſturbance of the Houſe on penalty of 5 *s.* for every offence; and if the keeper of any ſuch Publick Houſe ſhall ſuffer any ſuch rudeneſs, and not legally proſecute the ſame, he ſhall be debarr'd renewing his Licence.

Perſons in company with ſuch perſons as offend againſt this Clauſe ſhall all be accounted Guilty, unleſs they publickly teſtifie their diſlike of their behaviour, and freely witneſs againſt the perſon Guilty, if he be otherwiſe unknown.

Any perſon addicted to Tippling and Drunkenneſs ſhall be warned by the Select men of the Town to forbear frequenting ſuch Taverns or Publick Houſes, and

if

if he be after ſuch warning found in any ſuch Houſe he ſhall forfeit 5 *s.* for every ſuch Offence, or ſit in the Stocks.

Alſo the Select men ſhall give notice to the Keepers of the Publick Houſes that they ſuffer not ſuch a perſon ſo warned to come into their Houſes, on the penalty of 20 *s.* for every Offence.

Judges.

Judges in Civil Cauſes between Parties may not hear a Cauſe where the Party and the Judge are any way related, as Father and Son, either by Nature or Marriage, Brother, Unkle, Nephew, Landlord or Tenant; yet in ſuch Caſe the Judge may give his advice, but not ſitting as a Judge, nor ſhall he paſs any Sentence, nor give his Vote on the Bench.

L.

Lands.

All the Lands in the Juriſdiction are declared Freeholds, and are and ſhall be free from all Fines and Licences, upon all Alienations, and from all *Harriots*, *Wardſhips*, *Liveries*, *Primcir Seizin*, *Year-day* and *Waſts*, *Eſcheates* and *Forfeitures*, upon the Death of Parents or Anceſtors, Natural, Unnatural, Caſual or Judicial, and that for ever.

Leather.

No Butcher, Currier or Shooe-maker ſhall exerciſe the Trade of a Tanner, on the forfeiture of 6 *s.* 8 *d.* for every Skin he ſhall Tann while they uſe any of the Trades aforeſaid; nor ſhall any Tanner uſe the Trades of Butcher, Currier or Shooe-maker, under the like penalty.

None

Repeal-ed { None but Tanners may bargain, buy, make any Contract for, or bespeak any raw Hides of Ox, Bull, Steer or Cow, in the hair.

Butchers or their Servants may not Cut or Gash any Hides of Oxe, Bull, Steer or Cow, in the fleaing thereof, on the penalty of 1 *s.* for every such Cut or Gash.

Leather over Limed, or insufficiently Tann'd, or not thorowly Dry'd after Tanning, shall not be exposed to sale on forfeiture of the same.

Tanners putting Leather into hot or warm Moors, or setting their Fatts in places improper, where the Leather will heat and burn, shall forfeit twenty pounds for every offence.

Curriers shall not Dress any Leather imperfectly Tanned and not thorowly Dryed, nor shall not use any deceitful or subtil mixture, thing, way or means to corrupt or hurt the Leather, nor shall Curry any Sole Leather with any thing but with good hard Tallow, nor with less than the Leather will receive, nor shall Dress or Curry any Upper Leather, but with good and sufficient stuff not salt, and shall throughly Liquor it till 'twill receive no more; nor shall burn or scald any Leather in the Currying, on forfeiture of every Hide marr'd by unworkmanlike handling, to be judged by the Oath of sufficient Witnesses.

Every Town where occasion is shall have one or more persons appointed by the County Court to view all Leather Tann'd, Dress'd or Curry'd within their Limits, whether wrought or unwrought, who shall Seal with the Town Mark all the Leather they find sufficient, and no other, and shall seize what he finds insufficient; and if the Owner will not submit to his judgment he shall cause it to be view'd by four of the Inhabitants skilled in such Goods, who shall give their opinions in upon Oath at the next County Court.

If the Officer delay or refuse to View or Seal any Leather well and sufficiently Dressed or Tanned, or shall seal any that is insufficiently Tann'd, he shall forfeit the full value of the Leather.

The Officer may take for his Fee for Sealing of Leather one penny *per* Hide for all parcels under five, and six pence for every Dickar above, to be paid by the Tanner at the time of Sealing.

All the Fines levied by this Act shall be paid one third

third to the Treasurer of the Shire, one third to the Treasurer of the Town where the Offence was committed, and one third to the Seizer.

Liberties.

All men, as well Inhabitants as Foreigners, free or not free, ſhall have full liberty to come to any Publick Court, Council or Town Meeting, and either by Speech or Writing to move any lawful or material Queſtion, or to preſent any neceſſary Motion, Complaint, Petition, Bill or Information, whereof that Court hath cognizance, provided it be done with due order, in convenient time, and decent manner.

Every Inhabitant who is a Houſholder ſhall have free Fiſhing and Fowling, in any Ponds, Bays, Coves and Rivers, ſo far as the Sea ebbs and flows, within the precincts of the Town where they dwell, unleſs otherwiſe appropriated by the Freemen of the Town.

No Town ſhall appropriate to any particular perſon any great Pond of above ten Acres of Land.

All Creeks, Coves, and other places in the Salt Water where the Sea ebbs and flows, the Land adjoyning ſhall have the propriety to Low Water mark, if it ebbs not above an hundred Rod, but no further.

No Proprietor ſhall lett or hinder the paſſage of Boats or Veſſels in or out of any Creek or Cove whatſoever, where the Sea ebbs and flows.

Any man may paſs and repaſs on foot thro any other mans Land or Property, ſo they treſpaſs not upon his Corn or Meadow.

Any man within this Juriſdiction may freely remove himſelf and his Family out of it, to what place, and in what manner he pleaſes, provided there be no Legal Impediment to the contrary.

Lying.

Any perſon above fourteen years of age who ſhall wittingly or willingly make or publiſh any Lye which may be pernicious to the Publick, or tending to the damage of any particular perſon, or with intent to abuſe the

the people with False News and Reports, shall for the first offence pay 10 *s.* or be set in the Stocks two hours in some open place; for the second shall pay 20 *s.* or be whipt, not exceeding ten stripes; and for the third offence pay 40 *s.* or whipping with more stripes, not exceeding 15; and if they continue to offend they shall pay every time 10 *s.* more than before, or be whipp'd with five stripes more than before, not exceeding forty at a time.

The Fines shall be levy'd, or the Punishment inflicted by the Marshal of the Jurisdiction, or the Constable of the Town where the Offence is committed, and the Money paid to the Treasurer of the County.

The Offender may appeal to the County Court, and give Bail to prosecute his Appeal, and abide the Order of the Court; but if his Appeal be found groundless he shall be fined double, and pay the Charges of the Court, or be Corrected by Whipping.

All Children or Servants under age that shall offend in Lying, their Parents or Masters shall give them due Correction in presence of the Officer, if the Magistrate appoint it.

No person shall be barr'd of his just account of Slander by any proceedings on this Act.

M.

Murther.

Wilful Murther upon premeditated Malice, Hatred and Cruelty, and not in a more just and necessary defence, nor by casualty against the consent, shall be punished with Death.

Man-stealing.

If any Man stealeth a Man or Mankind, he shall be put to Death.

Mar-

Manslaughter.

If any perſon ſhall kill another in the juſt and neceſſary defence of his own Life, or the Life of another, he ſhall be blameleſs.

If any perſon kill another, attempting to Rob or Murther in the Field or Highway, or to break into any Dwelling-houſe, not being able with ſafety to take the Offender, or bring him to Tryal, he ſhall be holden blameleſs. *This is not Manſlaughter.*

Marriages.

No man ſhall ſtrike his Wife, nor any Woman her Husband, on penalty of ſuch fine not exceeding 10 *l.* for one Offence, or ſuch Corporal Puniſhment as the County Court ſhall determine.

No Man or Woman ſhall be Married, till their intended joyning together has been three times publiſhed, at ſome publick Lecture or Meeting in both the Towns where they dwell, or be ſet up in Writing at the Meeting Houſe Doors for the fourteen.

No Man may make motion of Marriage to any Maid without conſent of her Parents or Governours, or in their abſence of the next Magiſtrate, under penalty of 5 *l.* for the firſt Offence, 10 *l.* for the ſecond, and be bound to forbear, and for the third offence ſhall be Committed to Priſon, and upon Conviction at the County Court, ſhall remain in Priſon till he be releaſed by the Court of Aſſiſtants.

Married perſons ſhall repair to their Wives or Husbands, and not ſettle here in a ſeparate condition, without ſhowing good cauſe to the Court of Aſſiſtants to the contrary.

None to Marry any perſon but the Magiſtrate, or ſuch other as the General Court or the Court of Aſſiſtants ſhall authorize, where no Magiſtrate is near.

The Law reſolves that no man may Marry the Natural Siſter of his former Wife.

Mar-

Marshal.

Every Court of Judicature ſhall have a Marſhal, who ſhall execute all Writs, Summons, Sentences and Executions, Civil and Capital, within the Juriſdiction of that reſpective Court.

Marſhals ſhall levy the Goods of every perſon, for which he ſhall have Warrant, without favour or partiality, and ſhall deliver them to the Plaintiff or his Attorney, or make ſatisfaction to the party for all Damages by his neglect.

Executions ſhall be returned by the Marſhal to the Clerk that granted them in two Months after the receipt of them, with an account of what hath been done thereon, under his hand, and if the Plaintiff be not fully ſatisfied, the Clerk ſhall grant Execution for the remainder.

The Marſhal ſhall alſo with faithfulneſs and care ſerve all Attachments directed to him, and return the ſame to the proper Courts and at the proper times.

No Marſhal ſhall be allow'd to be Clerk or Recorder of any Court.

The Marſhal ſhall levy all Fines or ſumms of Money, for which he ſhall have a Warrant from the reſpective Treaſurer, which he ſhall return, on penalty of 2 *s.* for every pound not collected or return'd.

The Marſhals Fees for all Fines to the County levyed and returned are twelve pence in the pound, for ſerving Attachments within one mile, 1 *s.* 3 *d.* for ſerving Executions, twelve pence in the pound for all ſumms under ten pounds, ſix pence *per* pound more for all under forty pounds, three pence more for all under one hundred pounds, and one penny more for all ſumms above one hundred pounds, to be paid out of the Eſtate of the Defendant, over and above the Execution.

If the Fees of any Execution will not anſwer the Marſhal's Travelling Charges, he may demand ſix pence *per* mile, and levy it with the Debt.

All Marſhals are to pay the Marſhal General 3 *d.* in fifteen pence of all Attachments they ſerve, and 3 *d.* in twelve pence of Executions.

The Marshal General shall receive 2 *d. per* Quart of all Strong Waters sold by retail, and the half of five pounds of all such persons as shall by his Information be Convicted of selling Strong Waters without Licence, and the sole benefit of all Strong Waters imported.

Marshals have power to Charge any person to aid and assist them as the Constable hath, with the like penalty upon refusal.

In Case of Levying Fines or Assessments, the Marshal has power after Demand and Refusal to break open the Door of any House, Chest or place where he has notice any Goods or Person lyable to his Warrant shall be, and if need be to demand assistance.

Whatever Charges the Officer is put to by Refusal or Resistance of his Warrant, he shall levy with the Debt, Fine or Execution, and where there is any Charge in removing Goods levyed by Execution, the said Charge shall also be levied with the Execution.

But no Execution shall seize, destrain or remove any Mans Bedding, Apparel, Tools, Arms or Houshold-stuff necessary to Life, but his Land or Wares and his Person.

No Officer shall be put to search out any Mans Estate, but if he cannot discover it at his place of Abode, nor the Person will not direct them to his Estate, Goods or Lands, they may take his person for the Debt.

If any Marshal or other Officer, under colour of his Office, do injury to any one, he is liable to damages by Action or Information as in other Cases.

Masters, Servants.

No Servant, whether Man or Maid, may Give, Sell, Truck or Barter any Commodity, without Licence from their Masters under their Hands, on penalty of such Fine or Corporal Punishment as the Court shall direct.

Labourers and Workmen hired by the day, shall Work the whole day, allowing convenient time for Food and Rest.

Servants running away from their Masters, may be brought back by force of Arms, and the Magistrate or Constable, or two of the Inhabitants, where no Magi-

ſtrate is, may preſs Men or Boats at the publick charge for that purpoſe.

The Freemen of any Town have power by conſent to ſettle the rates of Labour and Workmens time, and the Inhabitants of the Town ſhall be bound by the Wages ſo ſettled, and may be compelled to work at ſuch rates.

Difference between Neighbour Towns about the rate of Wages ſhall be decided by the County Court.

All Servants and Workmens Wages may be paid in Corn, to be valued by 2 indifferent Freemen choſen on both ſides, and if they cannot agree, the next Magiſtrate or Conſtable ſhall chooſe a third perſon, who ſhall decide it.

If any Servant flee from the cruelty of his or her Maſter, he ſhall be protected and harboured, provided he flee to the Houſe of ſome Freeman of the ſame Town, and provided due notice be given to his or her Maſter, and to the next Magiſtrate or Conſtable.

No Servant ſhall be turned over to another for above a year, unleſs it be by conſent of Authority aſſembled in ſome Court, or of two of the Aſſiſtants.

If any Man or Woman Hurt, Maim or Disfigure a Servant, unleſs it by meer Caſualty, the Servant ſhall go free, and the Maſter or Miſtreſs ſhall make ſuch recompence as the Court ſhall award.

Servants that have ſerv'd diligently and faithfully to the end of their Times, ſhall not be ſent away empty; and ſuch as have been unfaithful, negligent or unprofitable, ſhall not be ſent away unpuniſhed, but ſhall make ſatisfaction as Authority ſhall direct.

Malt.

Maltſters ſhall not ſell their Malt till it be well Screen'd and Cleans'd from the Tails and Duſt, on penalty of 1 *s. per* Buſhel.

No Wheat, Barley, Bisket, Beef, Meal or Flower ſhall be Imported into this Juriſdiction on penalty of Confiſcation: all Marſhals and Conſtables may ſeize it where-ever 'tis found, and ſhall have one fourth part for their pains.

Former Impoſts on Proviſions as far as relate to this Act is repealed by this Law.

Mill,

Millers.

Millers shall have Weights and Scales in their Mills to weigh their Corn when reciev'd and when deliver'd.

Millers may take a sixteenth part of all Grain for Grinding the same.

Militia.

All the Militia of the Country are commanded by a Major General elected as by the Law provided.

The Militia of *Suffolk*, *Middlesex* and *Essex* are commanded by the Serjeant Major of the respective Counties.

The Militia of *Norfolk* is under the Command of the Major of the County of *Essex*.

The Serjeant Majors are chosen by the Freemen, Housholders and such Soldiers as have taken the Oath to the Government before 15 *May* 1656, and no other, the Election to be appointed by a Warrant from the Major General.

The Major shall draw out their Regiments, and Exercise them once in 3 years, for which they shall have 20 *l.* paid them out of the Treasury of the Country.

The Majors may levy by distress such Fines as shall be imposed upon Delinquents, and Non-observers of Military orders, or for defect of Arms, Ammunition, Appearances, Watches Offences, which Fines he may impose with consent of his Officers.

The Freemen, Housholders and Soldiers, having taken the Oath of Fidelity as aforesaid, shall choose the Military Officers of their respective Towns, to be confirmed by the County Court.

Every Town chargeable with 64 Soldiers shall have nomination of all Officers, and form them into a Company, other Towns having fewer Soldiers, shall only choose Serjeants and Corporals.

The Major shall joyn the small Towns into Companies.

The Officers being chosen shall have their Commissions from the General Court, shall take care of the Arms and Equipages of their Companies, shall appoint two Thirds of every Company to be Musketeers, and all the

Pikemen to have Helmets and Croslets, and ſhall exerciſe their Companies ſix days every year at leaſt, ſhall puniſh all diſorders of the Soldiers corporally, or by Fine, not exceeding 20 *s.*

Soldiers and all other Inhabitants ſhall be well furniſhed with Arms, on the penalty of 20 *s.* for every defect; Magiſtrates, Elders of Churches, with the Preſidents, Fellows and Students of *Harward* Colledge excepted.

All the Males above ſixteen years of age, except as by the next Clauſe is excepted, ſhall only attend all Military Exerciſe, as Training, Watching and Warding, under penalty of 5 *s.* for every default.

Magiſtrates, Deputies, Officers of Court, Elders and Deacons, the Preſident, Fellows and Students of *Harward* Colledge, Schoolmaſters, Phyſicians and Chyrurgeons allowed to be ſuch, Treaſurer, Surveyer General, Publick Notary, Maſters of any Veſſel above 20 Tun, Fiſhermen conſtantly uſing the Trade of Fiſhing ſeaſons, conſtant Herdſmen, alſo one Servant of every Magiſtrate and Teaching Elder, the Sons and Servants of the Major General for the time being, and all ſuch as for bodily Infirmity ſhall by authority be diſcharged, are excepted from Military Services.

Every Company ſhall have a Clerk of the Band choſen as the reſt of the Officers, who ſhall keep a Liſt, and take notice of all Defaulters, and other Offences, to view twice a year the Arms and Ammunition of the Soldiers and all the Inhabitants, and return his account of Defaults to the Captain, and ſhall collect all Fines laid for the ſame.

Money levyed for Fines on Deftults ſhall be laid out by the Clerk.

Trophies for the Company, as Colours, Drums, Halberds, Candles and Weeds for Match, or provide Arms and Ammunition for the poorer ſort.

A Committee of the Militia ſhall be kept in every Town, to act in any ſudden Exigent, who ſhall have a Commiſſion and Power to appoint a Military Watch, as they ſee cauſe.

The Committee of *Boſton* ſhall conſiſt of the chief Officer of Horſe, if living in the Town; the chief Officers of every Company of Foot, or the greateſt part of them. *Charlestown*, *Salem* and *Ipſwich* ſhall have the like, with the like Commiſſion.

Every

Every Committee where any alarm is given, are requir'd with all poſſible ſpeed to give Intelligence to the next Magiſtrate, and to the Major of the Regiment.

No Major may March his Regiment, or any part of it, or any Troop of Horſe, out of the County without an Order from the General Court, Council, or Major General, except on the purſuit of an Enemy after a Rout.

On the Death of the Major, the Eldeſt Captain ſupplies his place till Orders are given from the Superiour, and all Seniority of Commiſſions according to the Seniority of the Towns they ſerve for, except the four Companies in *Boſton*, whoſe ſeniority is accounted from the date of their Commiſſions.

Warrants for impreſſing of Soldiers are to be directed to the Commiſſioners of the Militia of the ſeveral Towns, and they may ſuppreſs all raiſing of men without their authority; alſo they are to take care of Fortifications and the Artillery in them.

Military Watches are ſet by beat of Drum, half an hour after Sun down, and if any man fire a Gun after Watch ſet he ſhall pay 40 *s*.

The Military Watch, or their Scouts or Centinels, may Examin, Stop and Detain any perſon they ſuſpect till morning, and then bring them to their Officers to be examined; and if any perſon in time of War reſiſt or refuſe to ſtand, or draw upon the Centinel, or offer any other action as may give the Centinel cauſe to fear his Life, he may fire upon them, and immediately retire to the Guard and give the Alarm.

In time of War, Smiths ſhall without delay repair all ſuch Arms and other neceſſaries as are brought to them, on penalty of five pounds; and in time of Peace within ten days, on the penalty of 10 *s*.

The Surveyor General ſhall once in a year give in account to the General Court what quantity of Powder and Ammunition is in the Magazines for the publick uſe.

Every Town ſhall have a Magazine for Ammunition and a Watch or Guard houſe, on the penalty of ten pounds, and the ſelect Men of every Town ſhall provide, as a Town ſtock, one Quintal of Powder, one Quintal and half of Muſquet Ball, and twenty eight pound of Match, to every fifty men, which ſhall al-

ways be kept in ſtore, and carefully renewed, under the penalty of five pounds.

The Horſe ſhall be under the Command of the Majors of the ſeveral Counties, and every Troop conſiſting of forty men, ſhall chuſe their Officers as the Foot.

The Troopers to keep a good Horſe, with Furniture, Saddle, Bridle, Holſters, Piſtols, Carabine and Sword, under the penalty of 10 *s.* and ſhall not change his Horſe when once Liſted without leave of his Officer. He ſhall attend ſix days exerciſe every year, under the appointment of his Officer, to pay 5 *s.* for every Default, nor disband himſelf without leave, under the penalty, at diſcretion of his Officer, not exceeding 50 *s.*

Every Troop has a Clerk, with the ſame Power and Employment as in the Foot, *Mutatis Mutandis*, ſave that the Cleck of the Horſe is allowed the Fees of the Marſhal for Travelling, but to levy no Fines within a month after the Default.

In caſe of Alarm, all the Soldiers, as well Horſe as Foot, are to repair to the Guard, and there to attend the Orders of the Committee of the Militia, under the penalty of five pounds.

None ſhall be a liſted Trooper, but ſuch as pay in a ſingle County rate for one hundred pounds Eſtate, or their Children.

Soldiers diſobeying Orders in common Training, may be puniſhed with uſual Military Puniſhments at the head of the Companies, at the diſcretion of the Officer.

All perſons liable to ſerve in Conſtables Watches, ſhall alſo be liable to the Military Watches, under the penalty of 5 *s.* for every defect.

Inferior Officers are to receive their Orders from the Major General, and to yield ready obedience to them, under the penalty of five pounds for every default.

Perſons liſted in the ſervice of the Country, either in the common Militia, or any extraordinary Troops, ſhall be ſubject to Marſhal Laws.

During the late War, and from thence till farther Law ſhall be made, the Majors of Regiments in each County, or any inferior Commiſſion Officer who hath Command of a Company, are at liberty to March

out

out of their own proper County, with their Company or Regiment, as they shall see cause, for annoying the Enemy, provided it be not contrary to any particular Order from their superior Officer.

Soldiers appointed to Garrison and Defend any Post, Place, Town or Fortification, shall be Commanded by the chief Military Officer of the place they are posted to defend, excepting only where the Major of the Regiment to which they belong shall be present, or the Council or General Court shall appoint.

The Commissioners of War shall not pass a Debenture of the time any man has serv'd, without a Note from the Committee of the Millitia of the Town whence he came, certifying whether he went out with his own Arms, or hath returned his Arms where he received them, except of a man slain in the service, and in such case the single Certificate of his Captain will be taken.

The Committees of the several Towns may appoint Garrisons, and fortifie their respective Towns in case of danger, and may oblige the Inhabitants to work on such Works as they shall agree on, under the penalty of 5 s. *per* day.

The Committees of the Militia may augment or dispose the Magazines and Stocks of Ammunition and Arms in their respective Towns as they see cause, and to assess the Town for the same.

Fines due according to Law from any Soldier or Military Officer, and not levy'd by the Clerk of the Troop or Company within one month, may then be levy'd by the Marshal or Constable for the Captain or chief Officer of that Troop or Company upon the Estate of the Clerk.

The Clerks are bound to render an account of all Fines and Penalties to the Captain, or chief Officer of every Troop or Company in six weeks after they are levyed.

Mines.

Whoever makes the discovery of any Mine within this Jurisdiction shall enjoy all the profits thereof, with a fit proportion of twenty one years, and shall have

leave to buy the Intereſt of any *Indians* in ſuch Lands where ſuch Mines ſhall lye, provided they enter not upon any property either of Town or perſon without their conſent.

But if any Mine be diſcovered by any perſon in his own proper Land, the ſaid Mine and all the profits are and ſhall be his own, and be to his Heirs and Aſſigns for ever, excepting only one fifth part of Gold or Silver Oar, according to the Law in that caſe provided.

Money.

The Maſter of the Mint ſhall Coin the Money of good Silver of the alloy of New Sterling *Engliſh* Money, 2 *d.* in the 1 *s.* of leſs value than *Engliſh* Money, and no other Coin (except *Engliſh*) ſhall be currant here.

The Mint Maſter for himſelf and Officers may take for Coining, 1 *s.* out 20 *s.* Perſons concerned may be preſent at the Coining of ſuch Bullions or Plate as they bring into the Mint. Every 1 *s.* ſhall way 3 *d.* Troy Weight, and leſſer pieces proportionably.

The Maſter and Officers of the Mint to be Sworn.

None ſhall ſend or carry out of this Juriſdiction by Sea or Land any Money Coined here, except 20 *s.* for neceſſary Expence, on penalty of Confiſcation of all the viſible Eſtate of the Offender herein, one third part to the Informer, the other two to the Country.

Monopolies.

It is Ordered, Decreed, and by this Court Declared; that there ſhall be no Monopolies granted or allowed amongſt us, but of ſuch new Inventions as are profitable to the Country and that for a ſhort time.

O.

Oaths, Subſcriptions.

No Man ſhall be urged to take any Oath, or Subſcribe to any Articles, Covenants or Remonſtrances of Publick and Civil Nature, but ſuch as the General Court hath conſidered, allowed and required; and no Oath of any Magiſtrate or of any Officers, ſhall bind him any further, or longer than he is an Inhabitant of this Juriſdiction.

Ordered, That the County Court or any Magiſtrate out of Court, is hereby Authoriz'd to require the Oath of Fidelity of all ſettled Inhabitants amongſt us, who have not already taken the ſame, as alſo to require an Oath of all Strangers, who after two months have their abode here, and if they ſhall then refuſe, they ſhall forfeit five pounds for every Week he or they ſhall continue in the Juriſdiction, or give ſufficient ſecurity for his Fidelity during his ſtay.

P.

Payments.

All Contracts, Agreements, Covenants and Engagements for any ſpecie whatſoever, ſhall be paid in the ſame ſpecie bargained for.

Petitions.

All Petitions to the General Court on common and ordinary occaſions, the Petitioner ſhall pay on delivery thereof 2 *s.* 6 *d.* to the Secretary or Clerk to whom it is delivered.

All Petitions for abatement of Fines, mittigation of Penalties, for Gratuities, Debts, or Controversies between Parties or Towns, pay 10 *s.*

No Petition shall be presented to the General Court after the first four days of the Court of Elections, nor after the first week of any other Session.

Petitions of Magistrates or Deputies, wherein their own personal right is concerned, and all Petitions which concern any Engagement of the Country to any particular person, are exempted from this Charge.

The Clerks or Secretary shall keep an account of Fees received on Petitions, and discount them in part of their Sallary.

Pipe-staves.

The Select men of every Town where Pipe-staves are Shipt shall choose two men for each Town to view all Pipe-staves to be exported, and shall throw by all that are defective, either in Worm-holes, Sap or undue size, *viz.* that are not four foot and half long, three inches and half broad, and three quarters of an inch thick, well and even hewed.

Pipe-staves Shipt or offer'd to be Shipt for *Spain* or *Portugal*, unsearcht by the said Officers, except for dry Cask, shall be forfeited.

The Viewers of Pipe-staves shall be allowed 2 *s.* for every thousand of Staves they view, as well the Refuse Staves as the Merchantable.

Masters of Vessels that take on board any Staves to carry the same to *Portugal* or *Spain*, without being so view'd, shall forfeit five pounds for every thousand.

Cast or Refuse Staves, or other red Oak Staves may be Transported, provided they are Shipt or sold as such, and not as Merchantable.

Poor.

The County Court, or two Magistrates out of Court, may determine all differences about settling and providing for the Poor, and to dispose of all vagrant and unsettled persons for the ease of the Country, with liberty of appeal to the Court of Assistance.

Three

Three months reſidence in any Townſhip or Pariſh without notice given by the Conſtable or one of the ſelect Men, or by their order ſhall be accounted a legal Settlement, and the Town or Pariſh ſhall be bound to relieve and provide for them in caſe of neceſſity.

And if after notice, the ſaid Perſon or Perſons remain in the place, and the ſelect Men do not by Complaint or Petition, apply to the next County Court for Relief, and effectually Proſecute, it ſhall be accounted a Lawful Settlement.

Poſſeſſion.

Any Perſon who hath poſſeſſed either by himſelf or his Grantees or Aſſigns as his or their own proper Right, any Lands or Tenements within the Juriſdiction before the 19th of *October* 1652. and ſhall keep the ſaid Poſſeſſion without any Claim entered with the Recorder of the County, and Proſecuted within the Term of five years after the 20th of *May* 1657, ſuch Poſſeſſor may plead preſcription, and ſhall enjoy the ſame for ever.

This Law ſhall be good to the Poſſeſſor, tho the Original Grant might be in another Perſons name, and tho the Poſſeſſor may have nothing to ſhew for the Alienation but his Poſſeſſion only.

Porters.

The ſelect Men of every Town ſhall appoint who ſhall be employed as Porters excluſive of all others, and alſo to adjuſt their Wages.

Pound Breach.

Every Town or Village ſhall make and maintain one ſufficient Pound or more, if need be, for Impounding of Swine, or any Cattel that ſhall be found Treſpaſſing on any perſons Lands.

Whoever Impounds any Cattel, muſt give preſent notice to the Owner if he be known, and if not muſt Cry them at the two next Markets or Lectures, and then the

the Owner ſhall pay all damages, tho the Cattel eſcape out of the Pound.

The Owner of Cattel Impounded, having due notice, ſhall forthwith give ſatisfaction for the damage done, or replevin the Cattel and proceed at Law, under Penalty of ſuffering all the damage done him by detaining his Cattel.

To reſiſt or reſcue Cattel going to the Pound, or any way in cuſtody of the Law, whereby the Party wronged may loſe his damages, the Party offending ſhall forfeit forty ſhillings; if it be a Pound Breach he ſhall pay five pounds and all damages, and if any Bodily harm be done in the reſcue, they ſhall have remedy at Law, and if the Offender be not able to make ſatisfaction, he ſhall be openly whipp'd, not exceeding twenty Stripes for the Pound Breach, and for damages he ſhall ſatisfy by ſervice, as in caſe of Theft.

Powder.

Merchants or others, Importing Powder or Lead, Bullets or any Ammunition, ſhall give an account to the Publick Notary of the quantity thereof, within one month after the landing, with the Names of the Perſons to whom it is ſold or delivered, on the penalty of forty pounds.

The Captain of the Caſtle is to give notice to all Maſters of Veſſels coming into the Bay from Forreign parts of this Law, and in other Ports the Conſtables of the Town or Ports ſhall do the ſame.

No Gunpowder ſhall be Exported out of the Country, except for the neceſſary defence of Veſſels going to Sea, without Licenſe of two Magiſtrates, on forfeiture of all the Powder.

Searchers may be appointed by the County Court, to viſit all Veſſels or P[illegible]ions, to prevent the Exporting of Powder, and to have one half of what they ſhall ſeize for their pains.

The Undertakers of the Powder Mill in this County may have a Warrant at demand from any one Magiſtrate, to impreſs Workmen as upon a Publick Work.

Pri-

Prisons.

Malefactors committed to any common Goal shall be convoyed thither at their own charge if they be able, otherwise at the charge of the County.

The County Court, or on default the Court of Assistants may appoint a house of Correction in every County, at the charge of the respective County.

The County Court may appoint the common Goal of the County to be the house of Correction, till another can be built or provided, the County Court shall appoint the Master of the houses of Correction, and the select men of the Town where the house is built or appointed, must provide materials for work.

The profits of all the work, the Stock to remain entire is to the Master for Fees, out of which Profit he shall allow Offenders Bread and Water, or other mean Food, or sixpence in every shilling they earn for their substistance.

Every Delinquent committed to his Custody he shall cause to be whipped at their entrance, not exceeding ten stripes, and then to employ them by task, till they are discharged by a Warrant from a Magistrate.

If any person refuse to work, the Master shall correct the more abridge them of Food, till they will work; and shall not have power to discharge a Prisoner, but by Warrant from a Magistrate, and if committed by a Court, by a Warrant from the said Court.

Persons who convey to any Prisoner any Instrument, or Tool, in order to free or forcibly convey himself out of Prison; such person if the Prisoner be committed for Debt shall pay the Debt, and forfeit the like summ of Money to the County, or suffer such corporal punishment as the Court shall award, and if the Prisoner stand committed for any Crime they shall suffer the same punishment which the Prisoner was lyable to, and such other Fine or corporal Punishment as the Court shall award.

If a Prisoner escapes thro negligence of the Goalar, he shall pay all the Debts or suffer all the Penalties the Prisoners were to pay or suffer.

Goalers

Goalers must from time to time give in a true List of their Prisoners to the respective Courts of Justice, and not to discharge any but by due course of Law.

The said Courts shall determine the costs to be allowed to Goalers, for maintenance of Prisoners, and by whom they shall be paid.

The Plaintiff in Civil Causes shall secure the Goaler necessary expence for subsistance of a Defendant Committed, both Food and Physick, and on neglect thereof, the Prisoner taking Oath that he is not worth five pounds, the Goaler may dismiss him.

The ordinary allowance for the subsistance of a Prisoner shall be two shilling six-pence *per* week.

Poysoning.

If any Man or Woman shall Poyson another so as they Die, the Offender shall be put to Death.

Protestation.

Any Member of any Court Council or Civil Assembly, in case they cannot consent to what the Majority of Voices shall decree, may make their Contra Remonstrance or Protestation in Word or Writing, and at their request have the same recorded in the rolls of that Court, the Dissent to be entred only, and not the reasons of it.

Punishment.

No Man shall be twice punished for the same Offence.

Corporal Punishments shall not be Inhumane, Barbarous or Cruel.

No Man shall be punished with whipping, except he hath not wherewith otherwise to answer the Law, unless in some extraordiny Crime, and his Life also very scandalous.

No Man shall be forced by Torture to confess any Crime before Conviction.

But

But after clear Conviction, and where the Crime is of ſuch a Nature that 'tis apparent he has other Confederates, and refuſe to diſcover them, he may be Tortured, yet not with ſuch Tortures as are Barbarous and Inhumane.

R.

Records.

Every Judgment given in any Court, or by any one Magiſtrate, or by Commiſſioners, ſhall be Recorded in a Book, and all the Evidences kept, and the party for whom ſuch Evidences are, ſhall pay to the Clerk or Recorder of the Court for fileing the ſame, two pence for every Evidence.

The Foreman of every Jury ſhall faithfully deliver up all ſuch Teſtimonies, or other Writings committed to them, to the Recorder or Clerk of the Court, at the ſame time as they give in their Verdict.

Clerks of the Writs in every Town, ſhall Record all Births and Burials within their reſpective Towns, and return a Copy of the ſame to the Recorder of the County Court, and pay him one penny for every Birth or Death.

All Parents, Maſters of Servants, Executors or Adminiſtrators, ſhall bring in to the Clerk of the Writs in the ſeveral Towns, the Names of all ſuch Perſons belonging to them, as ſhall be born or die, to be entered by him, and ſhall pay the ſaid Clerk three pence for every Perſon ſo entered.

Alſo every new married Man ſhall bring a Certificate under the hand of the Magiſtrate who married him, to the Clerk of the Writs to be Recorded, and ſhall pay three pence for the ſame, which the ſaid Clerk ſhall alſo Tranſmit to the Recorder of the County, paying him one penny.

Perſons refuſing or neglecting, ſhall forfeit twelve pence.

Clerks neglecting to make their Annual return forfeit five pound, and neglecting to retun the name of any Perſon,

Perſon, either Born, Dead or Married, ſhall forfeit five ſhillings.

Any Man may cauſe to be Recorded in the publick Rolls of any Court, any Teſtimonies given upon Oath in the ſame Court or before two Magiſtrates, or any Deed or Evidence legally confirm'd.

Any Inhabitant of the Country may ſearch and view any Rolls, Records or Regiſters of any Court or Office, except of the Council, and have Exemplifications made, examined and ſigned by the Officer, paying the uſual Fees.

If any Perſon pretending to view any Record or Regiſter ſo enroll'd, ſhall willingly deface or rent any ſuch Writing or Record, upon proof and conviction, he ſhall forfeit treeble the damages that might have enſued thereby, and be fined the like ſumm to the Country, or ſuffer two months Impriſonment without Bail, or ſtand in the Pillory two hours in *Boſton* Market, with a Paper over his Head with theſe words in Capital Letters, *A DEFACER OF RECORDS* as the County Court ſhall determine,

The Clerk or Recorder of every County Court may receive for Tranſcribing an Evidence, for every Page of twenty eight or thirty Lines, eight Words in a Line, twelve pence for entry of a Mortgage or ſale of Houſes or Lands Verbatim, not exceeding *per* Page as aforeſaid twelve pence, and proportionable to eight pence a Page for what they do exceed.

For atteſting a Record in an Original Deed, Will or Inventory ſix-pence, with ſix-pence for filling up the Original and ſafe keeping, for entring an Order for determining an Eſtate, Inteſtate or any where the Court is to determine, twelve-pence, for entring the proceedings of the General Court in any criminal Caſe two ſhillings ſix-pence, for entry of a Recognizance twelve pence, a Judgment confeſt twelve pence, an Action one ſhilling ſix pence, a Judgment obtained ſix-pence, and an Execution two ſhillings.

All Clerks and Recorders of the ſeveral Courts of Juſtice, and of the ſeveral Counties muſt be Sworn.

Re-

Replevin.

Every Man ſhall have liberty to replevye his Chattel or Goods Impounded, Deſtrain'd, Seiz'd or Extended, unleſs it be upon Execution after Judgement, and in payment of Fines.

Perſons replevying their Goods muſt put in ſecurity to Proſecute the Replevin, and to anſwer what ſhall be recovered at Law.

Rape.

If any Man Raviſh any Maid above ten years of Age, or ſingle Woman, having carnal Knowledge of her by force, againſt her own Will he ſhall be puniſhed with Death.

The Judges or General Court may order any other grievous puniſhment inſtead of Death, according as the circumſtances requires.

Whoſoever ſhall have carnal Copulation with Child under ten years of Age ſhall be put to Death.

S.

Sabbath.

Prophaning the Lord's-day by Children and Youth, playing in the Streets or Fields, uncivil Walking, Drinking, Viſiting, Travelling, going on Ship-board, Sporting or other exerciſes, ſhall for the firſt Offence be admoniſhed, for the ſecond pay five ſhillings, for the third ten ſhillings, and for the fourth be bound over to the County Court.

The Governour or Parents of Youth above ſeven years old, and under fourteen ſhall ſuffer for their Children.

Drinking in Ordinaries or Sporting in publick on Saturday night, or Lords-day at Night after Sun ſet, to pay five Shillings, or ſuffer Corporal puniſhment as the Court ſhall award.

All Fines for Prophanation of the Lords days are for the uſe of the reſpective Counties.

Perſons fined refuſing to pay or to ſubmit to the Court ſhall be corporally puniſhed as the Court ſhall determine, but when ſo corporally puniſhed the Fine ſhall be remitted.

No ſervile Works that are not of Piety, Charity or Neceſſity, ſhall be done on the Sabbath-day, on penalty of ten ſhillings for the firſt Offence, and to be doubled for every ſubſequent Offence.

Travelling to any Aſſembly or Meeting not allowed by Law ſhall be deem'd Prophaning the Sabbath.

Sodomy.

If any Man lyeth with Man as with Woman, both of them ſhall be put to Death.

If the one party was forced, or was under fourteen years of Age, he ſhall not die, but ſhall be ſeverely puniſhed.

Sailers.

No publick Houſe-keeper or Retailer of Liquors may Arreſt, Attach or recover by Law, any Debt contracted by any Sailer or Marriner contracted for Wine, Beer or other Strong Liquor drank in their Houſe.

Salt.

Every Maritime Town ſhall have one meet Perſon appointed to Meaſure Salt, for which he ſhall be allow'd ſeventeen pence *per* Hogſhead.

Seal.

The Governour for the time being, or any perſon appointed by him ſhall affix the Publick Seal to all Commiſſions and all Writings of publick concerns, iſſued from the General Court or the Council without any Fee.

The

The Secretary for the time being ſhall write an procure the Seal to be affixed, and deliver the ſaid Commiſſions or other publick Inſtruments to the parties concern'd, and may receive one Shilling for every Commiſſion for his Fees.

Schools.

Every Town-ſhip of fifty Families ſhall have a School to teach the Youth to Write and Read, to be paid by the Town, and the Parents of ſuch as he ſhall teach that are able.

Every Town of one hundred Families ſhall have a Grammar School, the Maſter whereof ſhall be capable of inſtructing the Youth and fitting them for the Univerſity, on penalty of ten pound *per Ann.* to be paid by the Town to the next Grammar School.

No School-Maſters to be admitted who are unſound in Faith or ſcandalous in Life.

Self-Murther.

If any perſon or perſons be wilfully guilty of their own Death ſhall be Buried in the common High-way, and a Cart load of Stones laid upon the Grave.

Sheep.

Any Man may keep Sheep on any Common, not ſtint belonging to the Town where he lives or where he has right of Commonage without Limitation, and in Commons which are ſtinted, any Inhabitant may uſe all his ſhare of the Common for Sheep, accounting five Sheep for one Cow.

The Select Men of every Town ſhall have the full power of clearing the Commons of Bruſh and Wood for the keeping of Sheep, and to order the Fines of putting Rams to the Flock.

To chaſe Sheep with a Dog, or moleſt them by driving them from their feeding; the Offender ſhall pay five ſhilling for every Offence and double damages.

If a Dog kill any Sheep, the Owner ſhall either hang the Dog, or pay double damages for the Sheep, if a Dog hunt or bite Sheep not being ſet on, and the Owner has been warn'd thereof, he ſhall both hang the Dog, and pay for ſuch Sheep as he ſhall worry or kill.

Sheep ſhall be waſhed in freſh and clean Water, and ſhall not be put into dirty or ſandy Ground between the ſaid Waſhing and Sheering, on forfeiture of twelve pence every Sheep.

No ſhort Locks, lumps of Dirt or courſe Tails, ſhall be wound up in the Fleeces of Wooll, on penalty of twelve pence.

Ships.

The Owner or in his abſence, the Builder of any New Ship or Veſſel, ſhall before they begin to plank, give notice to the Governour or Deputy Governour, or any two Magiſtrates, that they may appoint proper Officers, to view and direct the ſame, on penalty of ten pounds.

If any Builder ſhall not amend, alter or reform any defect, upon advice of the Officer appointed to Survey, the Governour or Deputy Governour, or any two Magiſtrates, may appoint two Maſter Ship-wrights to view ſuch Ship or Veſſel, and to ſee that it be perform'd in a Workman-like manner, who ſhall take an Oath to be faithful and impartial between the Owner and the Workman, and ſhall be paid by ſuch party as are found in default.

The Surveyors have power to cauſe any bad Timber or other Materials to be ſhifted and changed at the charge of the Builder.

No Healths may be drank on board any Ship riding in Harbour.

No Guns may be Fired after Sun ſet or on the Sabbath-day, by any Ship or Veſſel in Port, on penalty of twenty ſhillings every Health, and twenty ſhillings every Gun.

All Ships or Veſſels above 20 Tun burthen, Anchoring in any Port of the Juriſdiction are to pay half a pound of Gunpowder for every Tun burthen, excepting ſuch Ships the greater part of whoſe Owners are Inhabitains of the Country.

No

No perſon may Trade or Truck with any Ship or Veſſel coming upon the Coaſt, until the ſaid Ship or Veſſel ſhall come under command, and ſhall come to an Anchor in ſome of the Harbours or Ports, and acknowlegde the Government as the Law provides.

Spinning.

All Hands not otherwiſe employ'd, as Women and Children are enjoyn'd to Spin, and the Select Men in every Town are to aſſeſs Families at half or quarter or one or more Spinners, and oblige them to Work.

Every whole Spinner, ſhall Spin 3 pound of Linnen, Wollen or Cotton *per* week, for thirty weeks in every year, on the penalty of one ſhilling for every pound ſhort.

Strayers.

If any Beaſt be taken up aſtray, or any Goods found, which the Owner cannot be found, notice ſhall be given to the next Conſtable who ſhall enter it in his Book, and cauſe it to be Cry'd three ſeveral times on ſome publick days, and if above twenty ſhillings value, at the two next Markets or Meeting-houſes, on penalty of the value of the Goods each, both the finder and the Conſtable.

If the finder do not give notice to the Conſtable in one month, or apraiſe and Record in the County Court the Goods found within three months, he ſhall forfeit the full value.

If an Owner claim the Goods within a year and a day of the publication, he ſhall have reſtitution paying charges, and if not, ſuch Goods ſhall be half to the uſe of the finder, and half to the Country.

Any Beaſt taken up aſtray, ſhall have a Whith or Wreath kept about his Neck, from one month after their being taken, on penalty of loſing all the charges of taking or keeping.

No Beaſt may be taken up as aſtray from the firſt of *April* to the twentieth of *December*, unleſs it be taken Treſpaſſing in the Incloſures

The Owner of any Beast lost and taken up as astray, may not take the Whith or Wreath off from the Neck of the Beast, on penalty of losing the full value to the finder.

Strangers.

All Strangers professing the Christian Religion, that shall fly to this Country from the Tyranny or Oppression of their Persecutors, or from any other distress, are to be succoured and entertain'd at the publick charge till some Provision may be made for them.

Strangers upon their arrival are to be carry'd before the Governour, Deputy Governour or two Magistrates and to give an account of themselves.

Strangers shall have equal benefit of and be equal subject to the Laws as the Inhabitants.

No Stranger shall be entertained or received in any House or Town above three weeks without License from the Magistrates, on penalty at the discretion of the County Court not exceeding 50 s.

The Constables are to return the Names of all new comers to the County Court if they know them to be entertained without License.

Sureties.

Sureties for Appearance shall not be discharged till the principal be surrendred, or the Execution on the Action satisfied.

Sureties shall be discharged if Execution be not taken out within a month after Judgment obtain'd.

Goods attached shall not be released upon appearance of the party, or upon Judgment obtained, but shall be held till Execution granted and the Judgment be satisfied.

If a Bond with Sureties becomes forfeit for non Appearance, the Case shall proceed to hearing and Judgement at the same Court, and if the Plaintiff obtain a Verdict, Judgment shall be granted against the Defendant, and his Sureties and Execution be issued out accordingly.

Swearing.

Whoever ſhall ſwear raſhly or vainly by the Name of God, or ſhall profanely and wickedly curſe another, he ſhall forfeit ten Shillings, or be ſet in the Stocks not exceeding three Hours.

If they ſhall ſwear or curſe more than once at the ſame time, or in the ſame Company, the Penalty ſhall be double.

Any one Magiſtrate may hear and determine in Caſe of Swearing or Curſing.

Swine.

Satisfaction ſhall be made for Damage done by Swine, according to the Standing Order of the Town where the Damage is done.

The Select Men of every Town are impower'd to make Rules and Orders for regulating the Swine in their reſpective Towns, which ſhall extend to the particular Town they are made in, and no further.

No Damage ſhall be paid for Swine breaking in where the Fences are not ſufficient, according to the Rule appointed by the Select Men of the Town.

Any Town or Select Men neglecting to ſettle Orders among themſelves, for preventing Damage by Swine, above one Month, forfeit forty Shillings.

Swine impounded may be kept three Days and if not owned, the Party damnifyed may ſell them by one Cry, after having given three Days notice to the two next Towns, if any are within five Miles, or he may appraiſe them by two indifferent Perſons, and keep them to his own Uſe; and if the Owner appear, he ſhall pay himſelf all Charges and Damages, and recover the Overplus to the Owner.

T

Tile Earth.

Tile Earth ſhall be dug before the firſt of *November*, and turn'd over one Month before 'tis us'd, on Penalty of one half of the Tiles made of ſuch Earth.

Tobacco.

No Perſon may take Tobacco within 20 Pole of any Houſe, Barn, Stack or Cock of Hay or Corn, or ſo near as to endanger the firing thereof, on Penalty of ten Shillings, and full Damages to the Owner.

No Perſon may take Tobacco in any Inn or Common Victualling Houſe, except in a private Room there, ſo that neither the Maſter of the Houſe, nor any of his Gueſts take Offence thereat, on the Penalty of two Shillings and ſix Pence for every ſuch Offence, one half to go to the Informer, and the other to the poor of the Town where the Offence is done.

Tolling of Cattle.

That the Clerk of the Writs in every Town ſhall keep a Toll-book, wherein all Horſes or neat Cattle Bought and Sold ſhall be entred, with the Age, Colour, and Marks, at the peril of the Buyer, and pay three ſhillings *per* Head to the Clerk.

The Seller of any Cattle ſhall enter his Name, and bring two Vouchers to teſtifye him to be the Owner of all Cattle tollable by this Law.

If any Cattle ſo vouch'd be challeng'd, the Voucher ſhall make good the Damage.

The Buyer ſhall be lyable to all Damages as if the Fellon himſelf were preſent in Caſe of Challenge.

All

All Persons who have lost any Cattle, may search the Toll-books of any Town without Charge.

Township.

The Freemen of every Town may make such Laws and Constitutions as concern the particular Affairs of their own Town, criminal Cases excepted; and may impose Penalties and Fines on Delinquents not exceeding twenty Shillings.

Every Town may choose yearly and oftner a convenient Number of their Inhabitants, not exceeding nine, to order the Affairs of the Town, which shall be called the Select Men.

Any Housholder of any Town being an English Man of 24 Years of Age, and rated in a single County-rate at eight Pound Estate, and having taken the Oath of Fidelity to the Government, may be chosen a Select Man, Juror or Constable tho' they are not Freemen, so that the major part of the Select Men be Freemen.

All Towns have Power to impose a Fine of five Pounds, and the Town of *Boston* ten Pounds on every such Person, as being legally chosen, shall refuse to serve in the Office of Constable, provided he be personally able to execute it.

No Cottage or Dwelling House shall be admitted to the Priviledge of Common, for Wood, Timber and Herbage, but by the consent of the Towns.

Constables shall serve all Warrants from the Select Men, and levy their Fines as from their Magistrates.

Treasurers.

The County Treasurers are to keep exact Accounts of all Debts and Dues belonging to the Country, either by Fines, Forfeitures, Rates, Gifts, Legacies, Rents, Customs, Impositions Whales, Shipwrecks and the like, and of all Payments and Disburstments on the Country Accounts.

The County Treasurer shall not make any Payment to any Person indebted to the Country, till he either pay the Debt or allow so much as is due to the Country, out of what he is to receive. N 4 Trea-

Treaſurers ſhall be annually choſen out of every Country by the Freeman on the ſame day the Magiſtrates, are nominated.

All Fines arriſing in any County Courts, or by Fines ordered by one Magiſtrate, or by Commiſſioners in Criminal Caſes ſhall be paid to the Treaſurers of the reſpective Counties.

The Secretary of the General Court and Court of Aſſiſtants, and the Clerk or Recorder of the County Courts ſhall keep Books of Accounts of all dues ariſing from Actions, Fees or otherwiſe, which they are to receive of the Treaſurers and ſhall deliver a Tranſcript of the ſame to the Treaſurer, within 14 days after the end of every Court, and the Treaſurer ſhall within one week after iſſue out his Warrant to the Conſtable to Levy the ſame.

Treaſurers ſhall receive one ſhilling *per* pound, of all Fines received by him, and ſhall be free himſelf from all Country and County rates. County Treaſurers are to give in their accounts annually to the general Court, and to preſent the ſame at the annual Election.

If there be Money wanting to ſatisfie the County charges, the Treaſurer ſhall preſent it to the County Court who ſhall give Warrant to levy the Deficiency by rate upon the whole County.

The County Treaſurer ſhall preſent the names of ſuch Conſtables as ſhall neglect their duty to the next County Court.

Tryals.

In all Tryals at Law or in criminal Caſes, the Parties by conſent may choole to be Tryed by the Bench and a Jury, except where the Law has already preſcrib'd the contrary.

Every delinquent my challenge any of the Jury empannell'd for their Tryal, which appearing to the Bench to be reaſonable ſhall be allow'd him, and others choſen in their room.

Children, Ideots and Lunaticks ſhall have ſuch Allowances and Diſpenſations as to Religion and Reaſon ſeem proper.

V

Vagabonds.

Vagabonds and wandring Persons ſhall be apprehended by the Conſtable of the place, with or without further Warrant, and brought before the next Magiſtrate, who ſhall proceed againſt them as Rogues and Vagabonds, unleſs they can give a good and ſatisfactory account of ſuch their Wandring, and cauſe them to be puniſh'd, and ſent from Conſtable to Conſtable, till they come to their place of abode, or in caſe they will not diſcover their abode, then to the Houſe of Correction.

Votes.

Every Freeman called to give his Advice or Vote in any Court or civil Aſſembly, ſhall have freedom to do it, according to his true Judgement and Conſcience, and in all caſes where a Freeman is to Vote, if he cannot ſee right or reaſon to give it poſſitively one way or other, he ſhall have liberty to be ſilent, which yet ſhall be interpreted as if he Voted for the Negative.

When any thing is to be put to a Vote, Sentence to be pronounced, or any other matter propoſed in any Court or Aſſembly, if the Preſident or Moderator refuſe to perform it, the Major part of the Members may appoint any other meet perſon to do it, and if there be cauſe, puniſh him that refuſed.

Uſury.

No Man ſhall be adjudged for the forbearance of any debt above eight pound in the hundred for one year, and ſo proportionably, (Bills of Exchange excepted.)

W

W

Wampampeag.

Wampampeag ſhall paſs currant in the payment of Debts, as far as forty ſhillings; the White at eight a penny, the Black at four, if intire without breaches or ſpots, except in payment of Country Rates to the Treaſurer. Repeal'd, 1661.

Watching.

Conſtables Watches in every Town, ſhall begin the 1ſt of *May*, and continue till the end of *September*, upon penalty of five pounds, to be levy'd of every Conſtable neglecting.

The Conſtable ſhall take care that the Watch be warned, that it do not conſiſt of Youths, but able Men joined with them, and a ſufficient Watch. Unleſs the Select Men of the Town ſhall otherwiſe order the ſaid Watches.

All Inhabitants (except ſuch as by Law are exempted) ſhall as they are warned, ſerve the Country in the Conſtables Watches, and duly obſerve the charge given them by the Conſtable, which ſhall be that they duly examine all Night-walkers after 10 a clock, (unleſs known to be peaceable Inhabitants) and in caſe they give not reaſonable ſatisfaction, to ſecure them till morning, and then carry them before the next Magiſtrate to give ſatisfaction for their being abroad at that time of the night. If the Watch-men find any Inhabitant or Stranger, after 10 at night behaving himſelf Debauchedly, or in Drink, the Conſtable ſhall ſecure him till the Law be ſatisfied. And the Conſtable ſhall further give in charge to ſee all noiſes in the Streets ſtill'd, and Lights put out (except upon neceſſary occaſions.)

Every Conſtable ſhall preſent to the next Magiſtrate the name of every perſon who upon lawful warning ſhall refuſe or neglect to Watch, who being convicted and

be

having no juſt Excuſe, ſhall forfeit five Shillings for every ſuch Offence.

Every able Perſon (not excepted by Law) ſhall be lyable to watch, or ſupply by ſome other, when required. And if there be ſeveral in the ſame houſe, whether Sons, Servants or Sojourners, they ſhall be all compellable. But ſuch as live as Farmers remote from Towns, ſhall not be compellable to watch in Towns.

Magiſtrates, Deputies of the Court for the Time being, Elders of Churches, Publick ſworn Officers of the Country, Commiſſion Officers in the trained Bands, ſhall be freed from all ordinary Watches of the Conſtables and no other Perſons except ſuch as have ſpecial and perſnoal Freedoms by order of this Court.

Weights and Meaſures.

The Country Treaſurer ſhall provide at the Countries charge, ſeal'd Meaſures for Standards, *viz.* One Buſhel, one Peck, one half Peck, one Ale Quart, one Wine Pint, one half Pint one Ell, one Yard, a Set of Braſs Weights to four Poundaſter ſixteen Ounces to the Pound, with fit Scales and and Beams.

The Conſtable of every Town, ſhall within 3 Months, provide all ſuch Weights and Meaſures as above expreſt, tryed and ſeized by the Country Standard, and ſealed by the ſaid Treaſurer or his Deputy, for which he may receive two-pence for every Weight and Meaſure ſo ſealed, which ſaid Weights and Meaſures ſhall be delivered into the Cuſtody of the Select Men of every Town, who with the Conſtable, ſhall chuſe an able Man to be Sealer of ſuch Weights and Meaſures of their own Town, who ſhall be by them preſented to the next County Court, and there ſworn, and after Summon all the Inhabitants of that Town to bring in all ſuch Weights and Meaſures, as they make uſe of, in the ſecond Month from Year to Year, that ſuch Weights and Meaſures may be proved and ſealed with the Town-ſeal, and one Penny ſhall be paid for every Weight and Meaſure ſo ſealed. And all ſuch as cannot be brought to the juſt Standard, he ſhall deface or deſtroy. After the firſt ſealing he ſhall have nothing ſo long as they continue juſt with the Standard.

If any Constable, Select Men, or Sealers, do not execute this Order as to every of them appertains, they shall forfeit to the common Treasury forty shillings for every Neglect for the space of one Month.

Every Person neglecting to bring in his Weights and Measures at the time and place appointed, shall for every such Default pay three shillings and four pence, half to the Sealer, half to the common Treasury.

The Select Men of every Town may appoint one, two or more, as occasion requires, who shall be sworn faithfully and uprightly to measure all such Corn, Wood or Boards, as as they shall be called unto. And none shall be forced to receive any such Commodities, but such as are measured by the sworn Measurers, the Receivers paying for the Measuring thereof.

Wharfage.

The following Rates shall be allowed by all such as bring Goods to any Wharf. For Wood *per* Tun three pence, Timber *per* Tun four pence, Pipe Staves *per* thousand nine pence. Boards *per* thousand six pence, Merchant's Goods in Cask or out *per* Tun six pence, dry Fish *per* Quintal a penny, Corn *per* quarter one penny half penny, Great Cattle *per* Head two pence, small Cattle (except such as suck their Dams) *per* Head a half-penny. Hay, Straw, *&c. per* Load 6 pence, Stones *per* Tun a penny, Cotton and Wool *per* Bag two pence, Sugar *per* Chest three pence.

Wharfage shall be taken only where the Wharfs are made and maintain'd. And Wood, Stone, and weighty Goods shall be set on end, or laid 7 Foot from the side of the Wharf upon Penalty of double Wharfage. No Goods shall lye on the Wharf above forty eight Hours, without further Agreement. The Wharfinger may take the aforesaid Rates out of the Goods landed, if not otherwise paid.

None shall cast an Anchor, Graplin or Killark, in or near the Cove at *Boston*, where it may endanger other Vessels, upon penalty of 10 *s.* besides damages.

No Person shall cast any Dung, Draught, Dirt or any thing to fill up the Cove or annoy the Neighbours, upon Penalty of forty shillings, half to the Country and half to the Wharfinger.

Wills.

Wills.

Wills must be Proved or Recorded in the County Court where the Party deceas'd dwelt within thirty days after the demise of the Testator.

In case the Party deceas'd Intestate, Administration must be take out in thirty days.

Any person entring upon any Estate of the deceas'd person, or shall allienate or imbessel the same, before he hath Prov'd and Recorded the Will of the deceas'd, or taken out legal Adminstration, and brought in a true Inventory of the Estate of the deceas'd, shall be liable to pay all the Debt the deceas'd ow'd, whether Assuits be Prov'd or not, and shall forfeit five-pound *per* month, for so many months after the first County Court, as the 3d Will shall remain thus Proved or Administration not taken out.

If any Executor refuse to Act, or the Friends of an Intestate refuse to Administer, the Clerk of the Writs of the Town where the Party died shall give notice to the County Court, who shall take such order therein as they shall think meet.

Clerks of the Writs omitting such notice, shall forfeit forty shillings for every months default.

Two Magistrates with the Clerk or Recorder of the County, may take the Probate of any Will attested by Oath of two Witnesses, or may grant Administration of the Estate of an Intestate, and the Clerk shall give an account thereof to the next County Court, and Record the same.

If a person dying Intestate, leave a Wife and Children, the County Court may assign to the Widow and Children such parts and proportions of his Estate as they shall see fit, provided the Eldest Son shall have a double Portion, and the Daughters inherit as Coheirs.

Witnesses.

No Man shall be put to death for any crime, whatsoever but upon the Testimony of two Witnesses.

Any Magistrates or Commissioners authoriz'd by the General Court, may take the Testimony of any person

above

above 14 years of Age, and of ſound underſtanding in any caſe Civil or Criminal.

Evidence ſo taken out of Court, ſhall not be taken in Court unleſs the Witneſs be preſent to be further examined, except when the Witneſs lives above ten miles diſtant, or by Sickneſs or other Infirmities unable to come.

In all Capital Caſes Evidences ſhall be *Viva Voce* in Court wherever they dwell.

Witneſſes ſummon'd in civil Caſes, ſhall not be bound to attend or to Travel from Home, except the Party for whom he is to appear ſhall lay down Money, or otherwiſe content him for his Travel and Expences out of home, and for the time he ſhall ſpend in attending the Court, ſhall award him ſatisfaction.

Two ſhillings *per Diem* for Witneſſes above three miles diſtant, and which are to paſs over any Ferry, except between *Boſton* and *Charles* Town, and eighteen pence *per Diem* in other caſes ſhall be accounted ſufficient, and if any Witneſs on Payment or Tender of ſo much Money ſhall fail to attend and give his Teſtimony, he ſhall be lyable to pay the Parties damages.

Witneſſes in criminal Caſes ſhall have like ſatisfaction from the Treaſurers, they to be repaid by the Delinquents.

Wolves.

Any Perſon who ſhall kill a Wolf or Wolves within ten miles of any Plantation in the Juriſdiction, ſhall have for every Wolf ten ſhillings paid by the Treaſurer of the County.

This Law extends only to ſuch Plantations as Contribute to the Publick Charge.

Indians who ſhall kill any Wolves and ſhall deliver the Head to the Select Men of any Townſhip, ſhall receive two pounds of Powder and eight pounds of Shot, or one pound of Powder, four pound of Shot and five ſhillings in Corn, or no Powder or Shot and ten ſhillings in Money for every Head which they ſhall chuſe. *A.* 1661.

By a Law ſince the reward for killing a Wolf ſhall be 40 *s.* 20 *s.* to paid by the Treaſurer of the County,

10 *s.*

10 *s.* by the Treasurer of the Country, and 10 *s.* by th Town, to be paid on sight of the Ears of the Wolf. *A.* 1662.

Wood.

Where Wood is brought by Water-carriage it shall be assiz'd in proportion, a Boat of four Tun shall be accounted three Load, twelve Tun nine Load, twenty Tun fifteen Load, six Tun four Load and a half, fourteen Tun ten Load and a half, twenty four Tun eighteen Load, eight Tun six Load, sixteen Tun twelve Load, twenty eight Tun twenty one Load, ten Tun seven Load and a half, eighteen Tun thirteen Load and a half, thirty Tun twenty two Load and a half.

Cord Wood to be eight foot long, four foot high and four foot broad. 1647.

Wrecks.

No violence or wrong may be offered to any that suffer Ship-wreck upon the Coast, or to their Goods whether they are Friends or Enemies, but their persons shall be harbour'd, and their Goods preserv'd in safety till authority may be certified and shall give orders therein.

Whales or such like Fish cast on the shore shall be safely kept, or if it cannot be preserv'd, shall be Improv'd and an account given to the next General Court by the Owner of the Land or the Township where it came on shore.

Writs.

All Writs, Process or Indictments shall be issued out, and proceeded upon in the name of the King or Queen of *England* for the time being.

Worship-False.

If any Man after Legal Conviction, ſhall have or Worſhip any Idol or ſtrange God, he ſhall be put to Death.

Witches.

If any Perſon be a Witch, that is hath or conſulteth with a Familiar Spirit, they ſhall be put to Death.

FINIS.

Appendix.

New York ſs.

At an Aſſembly held at the City of *New-York*, *Sept.* 12. 1693.

Act for the ſettling a Miniſtry and for raiſing a Maintenance for them in the City of *New-York*, County of *Richmond*, *Weſtcheſter* and *Queen's* County.

THE Preamble; Whereas Prophaneneſs and Licentiouſneſs hath of late overſpread this Province for want of a ſettled Miniſtry, whereby the Ordinance of God may be duly adminiſtred. 'Tis Enacted

That in each of the Cities and Counties hereafter nam'd, there being call'd, induced and eſtabliſhed one good and ſufficient Proteſtant Miniſter, within one Year next after the Date of this Act; *Viz*.

in the City of *New-York* One,
in the County of *Richmond* One,
Weſtcheſter Two--- One to have the Care of *Weſtcheſter*, *Eaſt-Cheſter*, *Yonkem*, and the Mannor of *Pellham*.
The other to have the Care of *Rye*, *Munerenock* and *Bedford*.
In *Queen*'s County Two----One to have the Care of *Jamaica*, and the adjacent Towns and Fenns.
The other to have the Care of *Hempſted*, and the adjacent Towns and Fenns.

And for the Encouragement of the Miniſters, there ſhall be paid to the reſpective Miniſters, as follows.

For the City and County of *New-York* one hundred Pound *per An.*

For the two Precincts of *Weſtcheſter* one hundred Pound *per An.* for each 50 *s.* to be paid in County produce at Money-price.

For

For the County of *Richmond*, Forty pounds *per An.* in Country produce at Money-price.

For the two Precincts of *Queen's* County; One hundred and twenty Pounds to each, sixty Pounds in Country produce at Money-price, *ut supr.*

The Justice of Peace shall yearly issue out their Warrants to the Constable to summon the Free-holders of every City, County and Precinct aforesaid, to meet on the 2*d.* Tuesday in *January* for the choosing ten Vestry-men, and two Church-wardens; which Justices, Vestry-men, and Church-wardens, or a Majority of them shall lay a reasonable Tax on the respective Cities, Counties, Parish or Precinct, for the Maintenance of the Minister and Poor of their respective Places, the Justices omitting to issue out their Warrants as above to forfeit 5 Pound respectively for every Offence.

If the Free-holders being lawfully summoned do not appear or appearing do not within ten Days make choice as aforesaid, the Justices shall lay the said Tax without them.

And if the said Justices and Vestry-men omit or neglect their Duty to forfeit five Pounds currant Money.

Such Justices and Vestry-men as shall not be present at the Time appointed to make the said Tax, and be convicted by a Certificate under the Hand of such as do appear, shall respectively forfeit 5 Pound.

A Roll of the Tax so made shall be delivered to the respective Constables, with a Warrant signed by any two of the Justices of Peace, empowering them to levy the same, and on Default of payment to destrain and sell by out-cry, and pay the same into the Hands of the Church-wardens, detaining to their own Use 12 *d. per* pound, for the collecting, the Justice omitting to give such Roll and Warrant shall forfeit five Pound.

The Church-wardens when chosen shall not refuse to serve the said Office, and shall receive the Moneys collected, and keep a good Account of the same, and shall issue the same again by the Order of the Justices, and Vestry-men for the purposes aforesaid, and no otherwise, and shall give an Account to them as often as required, and on Omission or Neglect of their Duty shall forfeit 5 *s.* for every Offence.

The Church-wardens by Warrant from the Justices, shall pay to the respective Ministers the Maintenance appointed

pointed by this Act in equal payment quarterly, and ſhall forfeit 5 pound for every Neglect or Refuſal.

All the Forfeitures of this Act to be diſpoſed of, half to the Uſe of the Poor in the reſpective Precincts where they ariſe, and the other half to the Proſecutor.

Provided the Miniſters which ſhall be thus ſettled are call d in Manner aforeſaid, by the reſpective Veſtry-men and Church-wardens.

Provided this Act ſhall not make void any Agreement made with any Miniſter already in this Province, but they ſhall continue and remain in full Force and Vertue.

An Abſtract of ſome additional Laws for the better regulating the ſeveral reſpective Plantations, where the ſame were made and ordained.

For New-York.

At a Seſſions held at the City of *New-York*, Octob. 6. 1694. in the ſixth Year of *William* and *Mary*, Preſent the Mayor, Recorder, Aldermen, and Aſſiſtants of the City in Common-Council.

For the better Obſervation of the Lord's Day.

No ſervile Work to be done, or any Goods bought or ſold on the Lord's Day, under the Penalty of ten Shillings the firſt Offence, and double for every ſubſequent Offence.

Children or Servants may not meet to ſport or play, or make any noiſe or diſturbance in the Streets, the Penalty one Shilling for every Offence, to be paid by the Parent.

The Doors of Publick-houſes to be kept ſhut, no Company to be entertained in them, or any ſort of Liquor ſold in time of Divine Service; Strangers, Travellers, or ſuch as lodge in ſuch Houſes excepted; alſo, no Perſon to drink exceſſively, or be drunk, the Penalty 10 *s.* for every Offence.

No

No *Negro* or *Indian* Servant to meet together above the Number of four on the Lord's Day, or any other Day within the City or Liberties. Nor any Slave to go armed with Gun, Sword, Club, or any Weapon, under Penalty of ten Lashes at the publick Whipping-post, or to be redeem'd by the Master or Owner at six Shillings *per* Head.

One of the Constables in the five Wards, on the South-side the Fresh-water by turns to walk the Streets of the City in time of Divine Service to see these Laws observed, and to have Power to enter into all Publick-houses, to put the same in Execution.

New York ss. **Strangers.**

The Constables to make Enquiry after all Strangers, and give in their Names to the Mayor, or in his Absence to the Eldest Alderman.

If a Stranger come into the City and inhabit there ten Days without such Notice of him given to the Mayor, *&c.* and any Charge ensue from the said Stranger, such Charge shall be particularly born by the respective Ward where he so dwells, and the Consttble of that Ward shall forfeit 20 *s.*

Keepers of Publick houses, Tap-houses, and Ordinaries, who shall receive any Person to sojourn or lodge in their Houses, shall within three Days give notice of them to the Constable of the respective Ward, with their Name, Sir-name, and former Dwelling and Trade.

No keeper of Publick house, *&c.* to entertain or lodge any suspected Person, or Men or Women of Evil-fame: both these Heads under Penalty of 10 *s.* each Offence.

New York ss. **Freemen.**

No Person to keep shop, or sell any Goods by Retail or Exercise any Handy-craft-trade, but such as Freemen of the City, under Penalty of 5 *s.* every Offence.

All Persons hereafter to be made free shall pay the following Fines for the Use of the City; every Merchant-Trader or Shop-keeper three Pound twelve Shillings, and every Handy-craft Man, one Pound four Shillings, besides the customary Fees.

Streets.

No carrying Ashes, Filth, Dirt, or Oystershells, or any thing which may give annoyance, may be thrown out into the Streets under penalty of three Shillings.

All Persons every Saturday Morning to cleanse the Streets before their own Doors, and laying the Dirt into heaps to cause it to be put into the Carts appointed to carry it away under like penalty.

No Person shall shoot any Gun, or throw any Stone in the Street for any Wager under like penalty.

No Swine to be suffered in the Streets under forfeiture of the Swine, half to the Officer who shall find or take the same, the other half to the City.

Licensing.

No Person to sell any Wine, Bear, or other Liquor in less quantity than five Gallons, without Licence, under the penalty of five Pound.

Building.

Sworn Surveyors to be appointed within the City, and no Man may build before the Front of the Ground be viewed and laid out by them.

No Pavement to be made in the Street but as the Surveyors shall appoint, with the Consent of the Aldermen, and Assistants of the respective Ward.

The Surveyor shall receive six Shillings from the Owner of every House to be built for laying out the Ground.

Viewers and Searchers of Chimneys, and Fire-hearths to be appointed by the Mayor and Aldermen.

The said Mayor and Aldermen on complaint of the Viewers, shall order Defects of Chimneys, *&c.* to be mended and repaired, and on Default may fine the Offender, not exceeding 20 *s.*

No Hay, Straw, or combustible Matter may be lodged in any Dwelling-house in the City, or within ten Foot of a Chimney, 10 *s.* for each Offence.

Hooks, Ladders and Buckets to be provided by the City, and kept in convenient Places in the City.

Any Perſon whoſe Chimney is on fire ſhall pay 15 *s.* half to the Informer, half to the City.

Negroes.

No Perſon to entertain, harbour or countenance any *Negro* or *Indian* Slave, without conſent of his Maſter, or ſhall ſell, give or deliver to him any Rum, Wine, or ſtrong Liquor, or receive or take from them any Money or Goods on any Account whatever; but any Attempt or Offer made by any Slave ſo to do, they are to reveal the ſame to the Maſter or Owner of the ſaid Slave, or to the Mayor or Eldeſt Alderman of the City on penalty of five Pounds every Offence.

Market.

No Perſon may foreſtall any Proviſions or Victuals coming to Market, or buy them in any Place but the Market, on forfeiture of the Goods whereever they are found.

No Perſon ſhall buy in the Market to retail them again, or otherwiſe engroſs the Proviſions to be ſold there, on penalty of forfeiting all ſuch Proviſions ſo engroſſed.

No Huckſter ſhall engroſs any Poultry, Eggs, or freſh Butter coming to Market under penalty of 40 *s.*

No ſtale or unwholſome Victuals, blown Meat, or Leprous Swine to be offered to Sale under penalty of 40 *s.*

The Mayor and Aldermen once every three Months, or oftner, if they ſee Cauſe, are to aſcertain the Value and Aſſize of Bread, and cauſe the ſame to be affixed publickly on the City Hall, and to appoint Viewers of the Bread to ſee that the ſame be of full Aſſize and Goodneſs, and every Baker whoſe Bread is not good or full aſſized, ſhall loſe all ſuch Bread and forfeit 20 *s.* for every Offence.

Carts.

Twenty four Carr-men are appointed, and allowed by the Mayor, and Court of Aldermen, and none may ſerve in that Capacity for Hire or Wages, but ſuch as are ſo allowed on penalty of 20 *s.* two of the four and twenty to be the Foremen.

The Carr-men ſo appointed are to repair the Pavement of the Streets, and Highways, in and about the City at their own Charges, on pain of being turned out.

Every Cart to be two Foot eight Inches wide, and three Foot high, on penalty of three Shillings.

No Carr-man may ride or drive his Cart in the City after Day-light without ſpecial Licence from the Mayor, or ſome Alderman in his abſence, on penalty of twenty Shillings.

The licenſed Carr-men ſhall by turns, four of them every Saturday, attend with their Carts and Horſes to carry away the Dirt of the Streets *Gratis*, and to load their Carts themſelves, the ſame being before ſwept into Heaps; and one of the Fore-men of the Carr-men ſhall every Friday wait on the Mayor or Recorder, or in their abſence the Eldeſt Alderman, for Order where ſuch Dirt ſhall be carried.

No Carr-men to ride on the Carrs in the Streets on penalty of ſix Shillings, one *John Longſtraw* excepted.

The Carr-men to be obſervant of their Fore-man's Orders on penalty of 3 *s.* or loſing their Places, and the Captains of the Carr men are to keep their Number full, and on the removal of any one to make their addreſs for another.

The Carr-men ſhall duly divide themſelves, one half to tend at the Water-ſide, and the other half in the City, and take it by Turns on the forſeiture of three Shillings for every Offence.

No Boys or Negroes to drive any Carts for Wages without Licence from the Mayor, nor no Carr-man to let out his Cart without Licence on penalty of 3 *s.*

Carr-men ſhall ride their Goods to the right Owner on penalty of 40 *s.* for every Offence, and ſhall leave all other Employments to attend the riding up of Wheat-Flower, or any Goods ſubject to damage on penalty of 3 *s.* to the City.

Prizes of Carriage settled by this Law, and Carr-men not to demand more for a Load to any place within the Gates of the City than 3 *d.* Half-penny;

Except for Wine, Lime, Pantiles, Bricks when piled in the Cart; which because of the Trouble of unloading, they are allowed 6 *d. per* Load.

For Cord-wood from the Boat to the place of cording, and after corded to the Owner's House 1 *s.* 6 *d.* If not desired to be corded, 1 *s.* only.

And for every Load of Goods or Cord of Wood carried without the Gates, *Viz.* beyond the *Maiden-pull* or *Smiths-flye* in *Queen-street*, double price.

A Load to be accounted as much as can conveniently be laid on their Carts, or is reasonable for one Horse to draw.

Goods brought to the City in a Ferry-boat, the Carrmen shall forthwith unload the same, all the Carr-men to behave themselves civilly to all People.

If any Hurt or Damage happen to any Goods or Merchandize, while under their Care, and through their Default, they shall make satisfaction.

The Sheriff, Constable, and other Officers to take care of the Execution of these Laws, and to levy and collect the Fine due for the same, and to be accountable to the Treasurer for the Use of the City.

New York ss.

At an Assembly at *New-York*, begun *Octob.* the 1*st.* and ended *Novemb.* 2. 1700.

*An Act for declaring the Town of East-*Chester, *a distinct Parish by it self.*

The Preamble sets forth; That whereas by the Act for establishing the Ministry, it is enacted that the Town of West and East-*Chester*, Lower-*Yonkers*, and the Mannor of *Pelham* should be one Parish; and since that it has been found very inconvenient, and a great discouragement of Religion, and the Worshippers of God, for the Inhabitants of East-*Chester* to travel to West-*Chester* to Church.

It enacts that from henceforth the said Town of East-*Chester*, shall be separated from the Parish of West-*Chester*, and shall be, and is for ever to remain a distinct Parish, by the Name and Stile of the Parish of East-*Chester*, in the County of West-*Chester*;

Provided the Inhabitants do maintain a good Orthodox Protestant Minister at their own Charges.

New York ss.

At an Assembly held at *New-York*, begun *March* 2. ended *May* 16. 1699.

An Act to enable the respective Towns to build and repair Meeting-houses, and other publick Buildings.

The Preamble sets forth; That whereas they are at a great loss for want of publick Buildings, for the Worship of God, and other publick Services: To remedy this,

'Tis enacted, that the Trustees of any Town, or any Person chosen by a Majority of the Free-holders, shall have Power once a Year to make a yearly Law for the erecting a publick Edifice, or Church for the Worship of God, or for a Town-House, or Goal for the Use of the respective Town or Place where the same is wanting.

The Tax and Rate to be laid and levied in the same Manner, as other publick Taxes are laid, for the defraying the publick Charges of the County.

On the refusing or neglect of Payment, the Money to be levied by distress by Warrant from the Justice of Peace.

The Money collected by this Act to be employed for no other Use than the building, or repairing of the Buildings aforesaid.

The Precinct of *Bridge-Hampton*, commonly call'd *Sagaboneck*, and *Mecoxe*, within the Town of *Southampton*, is hereby made a distinct Parish for ever, with all the Power of this Act for Building a Church or other publick Edifice, as other Towns or Parishes may.

New-York ſs. **Jeſuits and Popiſh Prieſts.**

All Jeſuits, Seminary Prieſts, Miſſionaries, or other Eccleſiaſtical Perſon made, or ordained by any Power or Juriſdiction derived or pretended from the Pope, or See of *Rome*, reſiding or being within the Province, to depart the ſame on, or before, the firſt of *Nov.* 1700.

If any ſuch continue, remain, or come into the Province after the ſaid firſt of *Novemb.* he ſhall be deemed an Incendiary, a diſturber of the publick Peace, an Enemy to the true Chriſtian Religion, and ſhall ſuffer perpetual Impriſonment.

If any ſuch Perſon being actually committed, ſhall break Priſon and eſcape, he ſhall be guilty of Felony, and if retaken ſhall die as a Felon.

Perſons receiving, harbouring, ſuccouring, or concealing any ſuch Perſon, and knowing him to be ſuch, ſhall forfeit the Summ of 200 Pounds, half to the King for and towards the Support of the Government, and the other half to the Proſecutor, ſhall be ſet in the Pillory three Days, and find Sureties for the Behaviour at the Diſcretion of the Court.

Any Juſtice of Peace may cauſe any Perſon ſuſpected to be of the *Romiſh* Clergy to be apprehended, and if he find Cauſe may commit him or them in Order to a Trial.

Any Perſon without Warrant may ſeize, apprehend, and bring before a Magiſtrate any Perſon ſuſpected of the Crimes above, and the Governour with the Council may ſuitably reward ſuch Perſon as they think fit.

This Act not to extend to any of the *Romiſh* Clergy who ſhall be ſhipwreckt, or through other Adverſity be caſt on Shoar, or driven into this Province, ſo as he or they continue no longer within the ſame, than until he may have Opportunity for his Departure.

Such Perſon ſo ſhipwreckt, *&c.* ſhall immediately on his Arrival attend the Governour, or ſome one of the Council, and acquaint him with his Circumſtance, and obſerve the Directions which ſhall be given him during his ſtay in the Province, or ſhall have no benefit of the aboveſaid Proviſor.

Laws

Laws for Church-Affairs in New-England.

Massachuset's Bay in *New-England*, 1692.

For the Settlement and Support of Ministers.

THE Inhabitants of each Town within the Province are to provide themselves with one at least able Learned Orthodox Minister of good Conversation and Report, which Minister or Ministers shall be sufficiently supported and maintained by the Inhabitants, and all Contracts, Agreements or Orders made, or to be made by, and between any of the said Inhabitants, and their Ministers or Schoolmasters shall be good and valid, and shall be perform and executed according to the true Intent and meaning of such Agreement.

If such Contracts are expired, and the Inhabitants shall neglect to renew their said Agreement, or continue the Provision of their Minister as before on complaint made to the Quarter-Sessions, the Justices are empowered to rate the Town according to their Abilities for the Support of their Minister, and to cause the same to be levied and collected accordingly.

If a Town be destitute of a Minister six Months, and having not taken due Care to procure, maintain, and encourage such Minister, the Quarter-Session shall give them three Months time to supply themselves, and on continued Omission the Court shall take Care to provide and settle a Minister, and to provide them according to the Capacities of the Town.

The respective Churches in every Town shall at all Times enjoy all their Privileges and Freedom in Divine Worship, Church-Order and Discipline.

A Minister once duly chosen and rightly qualified shall from that time be, and be received as the Minister of the Town, and the whole Town shall be obliged to pay towards his Maintenance.

Every Town having 50 Housholders shall be constantly provided of a Schoolmaster to teach their Children to write and read; and every Town having 100 Housholders shall have a Grammar-School, every such Schoolmaster to be suitably paid by the Inhabitants, which Payment shall be taken Care of by the select Men of each Town.

Every Town omitting shall forfeit ten Pound being convicted of the same at the Quarter-Sessions, which penalty shall be to the Support of such School or Schools, where there is most need, to be levied by Warrant from the said Sessions, and paid to the County-Treasurer.

Anno 1693. Further Acts for Ministers.

Every gather'd Church shall have Power according to the Word of God to choose their own Minister, and the Clause enabling all the Inhabitants to elect is by this Act repealed.

The Major-part of the Inhabitants who do there usually attend the Worship of God, concurring with the Churches Act in such Case; the Minister so chosen and accepting it shall be the Minister of that Church, towards whose Maintenance all the Inhabitants and rateable Estates shall be oblig'd to pay in proportion.

The Town of *Boston* is exempted from this Act, and left to their own Customs.

Where no Church is gather'd the rateable Inhabitants shall choose a Minister by Majority of Voices, with advice of three neighbouring ordain'd Ministers, and giving publick Notice fifteen Days before-hand, to which Minister all rateable Estates and Inhabitants shall pay.

In Case of the Neglect of Maintenance to any Minister duly chosen on Complaint to the Quarter-Sessions, they shall provide for the said Minister, and fine the Delinquents not exceeding 40 *s.* for the first Offence, and 4 *l.* for every Offence after.

If on a gather'd Churches choosing a Minister, the Inhabitants or the Major-part refuse to assent to the Parson, the Church may call in a Council consisting of the Elders and Messengers of three or five neighbouring Churches;

If

If the ſaid Council approve the Choice and the Miniſter accept of the Choice, and ſettle among them he, ſhall be the Miniſter of the Place, and be ſupported and Maintained accordingly.

No Parſon by Reaſon of Voting in the Church, ſhall loſe his Vote as an Inhabitant in the Election of a Miniſter.

By an Act in the 13 of *William* the Third the Penalty for a Town Omitting to Erect a School according to a former Law ſhall thenceforth be Twenty Pounds.

Every Grammar School Maſter to be approved by the Miniſter of the Town, and the Miniſter of the two next Towns, or any two of them by Certificate under their Hands.

No Miniſter of any Town ſhall be the School maſter.

Grand-juries ſhall enquire of the Breaches of this Law, and preſent to the Quarter Seſſions; the Juſtices of Peace to ſee the Law Executed.

Additional Laws for ſupport of Miniſters in the Reign of Queen Anne.

Upon Complaint that any Miniſter is not duly encouraged, Supported and Maintain'd according to Contract made with the Inhabitants, or allowances Ordered by General Seſſions of the Peace; the Court may over and above ſuch fine as is already laid by former Laws, direct and appoint Select Men or Aſſeſſors, to aſſeſs and apportion the Summ agreed to, and to Iſſue Warrants to the Conſtables for Collecting the ſame, and all Charges of ſuch Extraordinary Aſſeſsments ſhall be paid out of the Fines raiſed on the Delinquent, the Remainder to the County Treaſury.

The Inhabitants of each reſpective Diſtrict may appoint a Clerk, and Aſſeſſor for raiſing Maintenance, and to make out a Warrant for the Town Rates directed to the Conſtables, who are to obſerve ſuch Warrant as ſufficient.

In Caſe the Aſſeſſors Named refuſe to act, the ſelect Men of the Town ſhall Aſſeſs the ſame.

Jeſuits

Jesuits and Popish Priests.

Every Jesuit, Seminary Priest, Missionary, &c. Word for Word with the same Case at *New-York*: See P. 294.

South Carolina. Settlement of the Church at Charles Town.

Whereas by the Grant of King *Charles* the Second, to the Lords proprietors, it is Expresly provided that no Religious, Ministry Except the Church of *England*, should have any Publick Maintenance.

His Excellency the Palatine, and the rest of the Lords Proprietors in their Rule and Instructions of Government, Ordred that the Ministry of the Church of *England*, should acccordingly be Establish'd and none other.

Pursuant to these Provisions, the Commons Assembl'd for the Province of *South Carolina* Enacted,

That so much Land be bought in or near *Charles*'s Town, not exceeding the Value of 140 Pounds, in such a Place as the Commissioners Nam'd in the Act shall appoint, and thereon to be built a House or Houses, with in Twelve Months after the Date of the Act, and the Ground to be paled in or Fenc'd about all as the said Commissioners shall Direct, the which shall not exceed 350 Pounds to be paid out of the Publick Treasury, there shall be also bought one Healthy Negro Man Servant, and One Negro Woman Servant, Four Cows, and Four Calves, to be paid for out of the Publick Treasure.

The said Land, House or Houses, Servants and Cattle, are appointed to be for the use and benefit of such Minister of the Church of *England*, as the Major part of the Inhabitants of *Charles*'s-Town, and the Neck between *Cooper* and *Ashley*-River as far up as *John Pride*'s Plantation on *Coopers*-River, and *Chr. Smith*'s Plantation for *Ashley*-River Inclusive, which are qualified by Law no Members of the Assembly, and as are of the Church of *England*, shall Choose and Approve of.

The Receiver General for the Time being, ſhall over and above the ſaid Houſe, Servants and Cattle, pay to the ſaid Miniſter, One hundred and Fifty Pounds per *Annum*, in Dollars or Spaniſh Pieces of Eight, not weighing leſs than thirteen Penny weight, at 5 *s.* per Piece, *Viz.* 50 *s.* every 4 Months.

Samuel Marſhal Nominated the firſt Miniſter during his Life, or ſo long as he ſhall think fit to continue in the Colony, and Serve in the ſaid Miniſtry.

Six Commiſſioners Nam'd by the Act to appoint the Houſe, Land, Cattle, *&c.* Who in Caſe the Publick Treaſury have no Caſh to pay the Miniſters Sallary, together with five reputable Free-holders, which they ſhall Aſſociate to them, are Empowred to Levy and Aſſeſs the ſaid Summ of 150*l.* per *Annum* on the Inhabitants.

The Aſſeſment to be laid equally and Indifferently, and to be levyed by the Conſtables, who in Caſe of Refuſal or Neglect ſhall forfeit 50 *l.* which Summ ſo Collected, the Commiſſioners ſhall Pay to the Miniſter as before.

Diſtreſs ſhall be made where Payment is refuſed, the Warrant to be given by the Commiſſioners under their Hands and Seals to the Conſtables, who ſhall Execute the ſame under the Penalty of five Pounds for every Neglect or Refuſal.

Goods Deſtrained for this Tax ſhall be ſold in 3 Days by publick Out-Crys in *Charles*-Town, and the Overplus, the Tax and Charges firſt paid, to return to the Owner.

All Penalties and Forfeitures to be divided, ½ to the Proſecutor, and the other ½ to the Commiſſioners to be added to the 150 Pounds, per *Annum.*

If any Commiſſioner die or remove out of the Province, the remaining Commiſſioners or a Majority of them, ſhall Nominate One to ſucceed him.

South Carol. ſs. Provincial Library.

The Preamble of the Act recites, That whereas at the Promotion of the Reverend Dr. *Bray*, and by the Encouragemet and Bounty of the Lords Proprietors, and the Inhabitants of the Province, a Library hath been ſent Over to this Province for the Publick uſe; for ſecuring the Books it is Enacted,

The

The Library ſhall Be, Continue and Remain in the Cuſtody and Keeping of the Miniſter of *Charles* Town, for the time being, who is bound to keep the ſaid Library from Waſte, Damage and Imbezilment, and all other Deſtruction, and to be accountable for the ſame, fire and unavoidable Accidents excepted.

The Miniſter for the Time being, at his coming to the Place, ſhall paſs two Warrants, One to the Commiſſioners, and One to the Church-Wardens, in which the Names and Titles of every Book ſhall be Inſerted, and in Caſe of Embezilment of all or any part of the Books, the Incumbent ſhall forfeit and pay double the Value of them.

The Commiſſioners are Empowered to Sue for the Damage, and the Money recovered to be diſpoſed within Twelve Months for the Compleating the Library.

In Caſe of the Death of the Miniſter Incumbent, the Church Wardens for the Time being are to take the Library into their keeping, and to be accountable to the Commiſſioners.

The Church-Wardens on taking the Library into their Cuſtody are to compare it with the Receits formerly given, and if any Books are wanting or Damnified, they ſhall give an Account of it to the Commiſſioners within twenty Days, and if the Church Wardens refuſe to give ſuch Account, they ſhall be accountable for the whole, as if no Damage or Imbezilment had been made.

Any Inhabitant may borrow any Book out of the Library giving a Note under his Hand, acknowledging the Receit, and promiſing to return it, if a Folio in 4 Months, Quartoes in 2 Months, Octavo's or under in one Month, upon the Penalty of Paying 3 times the Value in Caſe of a Failure or Damnifying the Book.

The Incumbent is oblig'd to keep a Book in which he ſhall enter the Receits for all Books borrowed, and when returned ſhall note it returned, but not Croſs or Blot the Book.

If a Book borrow'd be Damnified or refus'd to be returned, the Commiſſioners may levy three times the Value by Diſtreſs, and for want of ſuch Commit the Perſon to Priſon till Satisfaction be made.

Seven Catalogues of the Books ſhall be made, One ſhall be ſent to the Lords Proprietors of the Province, to *England*, One to the Lord Biſhop of *London*, One to Doctor

Br

Bray, One to be Recorded in the Secretaries Office of the Province, One ſhall remain in the Cuſtody of the Commiſſioners, under which the Incumbent ſhall ſign a Receipt for the Books; One to be in the Cuſtody of the Church Wardens under which the Incumbent ſhall alſo ſign a Receipt, and one to be fairly Entred in a Book for that purpoſe, and to be kept by the Incumbent in the ſaid Library for any Perſon to read.

The Commiſſioners are Empowred to value and rate every Book in the Library, which Appraiſement ſhall be the ſtanding Rule to Judge of the Value of any Book, in Caſe of Suit, for the loſs or Damnifying any Book.

The Commiſſioners to Viſit the Library, on the *5th* of *November* every Year, and Examine the Books by the Catalogue.

All Perſons borrowing any Books are to return them by the 26 of *October*.

The Commiſſioners are to be Nine, the firſt are Named in the Act, and in Caſe of Death, the Governour for the time Being, is to Nominate others who are to continue till the next General Aſſembly onely.

The Commiſſioners on a View, if any Book lent abroad be not reſtor'd at the time of the Viewing the Library, may ſummon the Perſons who borrowed them, to reſtore the ſame in twenty Days on pain of paying the penalty of 3 times the Value of the Book.

All Perſons who have any of the Library Books in Hand at the making the Act, are to reſtore them by the firſt of *January* on like Penalty.

This Act read and ratified 16 *November* 1700.

At an Aſſembly in *Bermudas*, Sept. 4. 1693.

Bermudas ſs. Miniſters.

The Incumbent of the Pariſh of St. *George* ſhall be paid 50 *l.* Current Money of *Bermudas* Yearly, and to have the Rent and Profits of, or Occupation of two Shares of the Glebe Lands in the ſaid Pariſh of St. *George*'s.

The Miniſter officiating in the Country part of the ſaid Iſlands, if two, ſhall have each forty Pounds, like Money, to be raiſed out of the reſpective Tribes they ſerve in, and to have equal ſhare in the Glebe Lands.

If three Miniſters ſerve in the Country, the third to have 40 *l.* per *Annum*, and the Glebe Lands to be divided into thirds.

The Money for the ſaid Miniſters ſhall be raiſed by Aſſeſsment in every reſpective Tribe as follows.

If there be two Miniſters among the Eight Tribes, then each Tribe to raiſe ten Pounds per *Annum*, but if the County think fit to entertain three Miniſters then each Tribe ſhall raiſe 15 *l.* per *Annum*.

In Caſe any Perſon refuſe payment, it ſhall be levyed by Diſtreſs by Warrant from the Juſtices of the Tribe or Pariſh where the Perſon dwells.

Bermudas ſs. Library.

Act for the ſecuring the Provincial Library.

The Preamble recites, That whereas, at the Promotion, Encouragement and Bounty of the Reverend Dr. *Bray*, a Library of Books has been ſent Over to the Town of St. *Georges*, which together with ſome other Books formerly belonging to the ſaid St. *Georges*, were deſign'd for a Provincial Library for the Uſe of the Miniſters and Inhabitants. It Enacts-----

The Books to be plac'd in the Veſtry of the Church at St. *Georges*, to be in the poſſeſſion and keeping of the Incumbent, who is to be accountable for them, fire and unavoidable Accidents excepted.

The Incumbent ſhall paſs two Receipts for the Books, One to the Church-Wardens, and the other to the Commiſſioners.

The Receipt ſhall contain the Titles of all the Books, and the Incumbent ſhall pay Double the Value of any Book Loſt or Damaged.

The Commiſſioners may Sue for the Penalty, and what they recover ſhall be laid Out for the Recruiting the Library.

In Caſe of the Death or Removal of the Incumbent, the Church-Wardens ſhall take Charge of the Library, ſhall Compare them with the Catalogue, and if any be wanting ſhall give an Account thereof to the Commiſſioners in Twenty Days on penalty of being accountable themſelves.

The

The Inhabitants of the Iſland ſhall have Liberty to borrow any Book out of the Library giving the Incumbent a Receipt for them, with an Obligation to return them; a Folio in four Months, a Quarto in two Months, an Octavo or under in one Month, on penalty of three times the Value.

The Incumbent is obliged to enter the Receipt into a Book, and to note it down when Returned.

The Commiſſioners, or any two Juſtices may Sue any Perſon who borrows a Book and refuſes to return it, and by Warrant ſhall Deſtrain for the forfeiture; in Caſe of no Goods to Deſtrain, may Commit the Perſon to Priſon.

The Commiſſioners ſhall make Eight Catalogues, One ſhall be ſent to *England* to the Lords Commiſſioners of Trade and Plantations, One to the Secretary of the Society for propagation of the Goſpel, One to the Biſhop of *London*, One to Dr. *Bray*, One to be Entred on Record in the Secretaries Office of the Iſland, One in the Cuſtody of the Commiſſioners, and One in the Cuſtody of the Church-Wardens, under which two laſt the Incumbent ſhall ſign a Receipt, and One to be fairly Entred in a Book to be kept in the Library for the uſe of the Inhabitants.

The Commiſſioner to appraiſe the Books, which Value to be the eſtabliſh'd Rule to Sue for the return of a Book or the Penalty of a Book borrowed or damnified.

The Commiſſioners once every Year ſhall Viſit the Library, and enquire into the Catalogue and the damage done.

Perſons Borrowing of Books to have notice to return them ten Days before the Commiſſioners ſhall come to Examine.

The Commiſſioners ſhall Summon any Perſon to reſtore any Book wanting, and in Caſe of Refuſal Deſtrain for the Value and the Forfeiture.

The Commiſſioners are Named in the Act, and in Caſe of Death or Removal the Governour to fill them up.

The Parochial Libraries of *Devonſhire* and *Southampton* Tribe, to be in like manner under the Cuſtody of the reſpective Incumbent, who ſhall be reſpectively accountable to the Commiſſioners of St. *Georges*, as in the former Clauſes of this Act *Mutatis Mutandis*.

The Commiſſioners are Empowred to Act and do in all Caſes in, of, and concerning the Parochial Libraries, with the

the ſame Power, and by the ſame Methods as in the Provincial Library.

The Lay-mans Library ſent alſo over by Dr. *Bray*, to be under the Charge of the Incumbent of St. *Georges*, to be lent to the People of the Iſland, under the ſame limitations, and the Commiſſioners of the Provincial Library, to have the ſame Power, and to Act by the ſame Methods, *Mutatis Mutandis*, as in the Caſe of the Provincial Library.

FINIS.

ADVERTISEMENT.

THERE is in the Preſs, and will ſpeedily be Publiſhed in one Volume, in *Octavo*, The Hiſtory of all our Plantations, containing the firſt Diſcoveries thereof, Settlements there, and the Various Fortunes they met with; alſo an Account of their Manufactures, Trade, *&c.* with the Preſent State thereof, Illuſtrated with Mapps and Cutts, thoſe Gentlemen that have any thing remarkable relating to thoſe Countries, are deſired to Communicate it to any of the Bookſellers concerned in the Abridgement of theſe Laws of thoſe Countries, who will take care to have them inſerted in their proper Places.

Directions to the Binder.

Place the Appendix at the latter end of the Book.